

C. Galerius Valerius Maximinus:
Studies in the Politics and
Religion of the Roman Empire AD 305-313

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Religion of the Roman Empire AD 305-313

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With a Preface by Hugo Montgomery

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C. Galerius Valerius Maximinus: Studies in the Politics and
Religion of the Roman Empire AD 305-313
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Preface

by

Professor emer. Hugo Montgomery

Professor Torben Christensen's work, *C. Galerius Maximinus. Studier over politik og religion i Romerriget 305-313*, was published in 1974 by Copenhagen University as a festschrift to mark the birthday of HM Queen Margrethe II. Until his tragically premature death, Professor Christensen continued relentlessly to work on revising the book and preparing it for publication in English. The revision included primarily the first three chapters of the book. He managed to make only few corrections and additions to the last two chapters.

The historical issues that Torben Christensen discussed in his book continue to be highly relevant to the international readership that he addresses. In his introduction, he considers the nature and relations of the sources, including Lactantius and Eusebius, a topic that has loomed large for many years in German research in the field of church history. His views on the problems of textual criticism that scholars face in these works deserve to be more widely known. Other types of sources are also included in the first two chapters where he offers a new interpretation of the Emperor Maximinus's efforts both as a ruler in the eastern half of the empire and later when the Diocletian tetrarchy began to disintegrate. This is particularly true of his new additions to chapter two in which he incorporates material from current papyrus scholarship, material, which often can be quite difficult to access. The views he offers on the administration of the eastern parts of the Roman Empire – also at the local level – add both new interpretation and new material to the research into the history of the tetrarchy.

In later sections of the work, Torben Christensen has given much attention to the assessments, especially in texts by Eusebius and Lactantius, of Maximinus's role in the process that made the Christian religion an ever more important point of political controversy. He also emphasizes non-Christian sources such as panegyrics and eulogies to emperors delivered during the tetrarchy. He further explores traditional issues of church history through his use of evidence offered by inscriptions. Thus he sees the Brigetio inscription of 311 as significant proof of the initial cooperation between Maximinus and his future adversaries in relation to the division of Galerius's area of authority. He rejects the interpretation offered by the

publishers of the inscription. Torben Christensen's conclusions are obviously open to discussion, but they represent a valuable contribution to the ongoing discussion of the relations of power in the Roman Empire at a time when the old ruling structures were breaking up.

It may seem a hazardous enterprise to translate into English a Danish book written almost 40 years ago, even if it is a work of definite merit. After Professor Torben Christensen's death in 1983 many books and articles have been published on the central phase of the Roman Empire during which Christianity was transformed from being the excuse for persecutions into an accepted and even favoured religious movement. Maximinus, the Roman Emperor who is central in Torben Christensen's study, has not attracted much research. Many scholars still share Professor Christensen's view that Maximinus hesitated to follow the edict of Galerius, for example E. Herrman Otto, *Konstantin der Große*, Darmstadt 2007. In his dissertation from 1994, *Conservator urbis suae: Studies in the politics and propaganda of the Emperor Maxentius*, Mats Cullhed offers strong arguments in support of the view that Maxentius, defeated by Constantine at Ponte Molle in 312, did not persecute the Christians but followed a softer religious policy in his relations with the Church. Maxentius did not collaborate in any way with Maximinus but had a political and religious agenda of his own.

The religious views of Constantine the Great continue to be a controversial issue. Oliver Schmitt, *Constantin der Große: Leben und Herrschaft*, Stuttgart 2007, claims that the emperor's way to Christianity was a process over an extended period of time, not one begun by a sudden conversion. Paul Veyne, however, believes in the dramatic reports of Christian sources about a personal conversion of Constantine, *Quand notre monde est devenue chrétien (312-394)*, Édition Albin Michel 2010. According to him, a personal experience of Constantine's in 312 made Europe Christian. J. Bleicken maintains that Constantine's shift to the Christian position, caused by political conditions, occurred later, in 315, *Constantin der Große und die Christen*, (HZ Beiheft 15), Münster 1992. Against this idea K.M. Girardet claims, in *Die Konstantinische Wende: Voraussetzungen und geistige Grundlagen der Religionspolitik Konstantins des Großen*, Darmstadt 2006, that Constantine had a strong religious experience before the decisive battle against Maxentius at Ponte Molle and because of that he began to favour the Church. Girardet finds support for this thesis in the Emperor's refusal to take part in pagan ceremonies after his glorious entry into Rome following his victory. On p. 102, he refers with approval to Torben Christensen's interpretation of *Litterae Licinii* in "The Edict of Milano", first published in

Dansk Teologisk Tidsskrift 37, 1974. A balanced view of Constantine's political – and religious – development is given by P. Stephenson, *Constantin: Unconquered Emperor, Christian Victor*, London 2009. The author brings into focus the military career of the emperor and his dependence on the Roman army and its traditions. In his valuable bibliographical essays at the end of the book P. Stephenson, when mentioning P. Weiss, "The Vision of Constantine", *Journal of Roman Archaeology* 16, 2003, tries to interpret the original significance of a possible solar halo in 310, recorded by pagan and Christian sources. P. Stephenson is careful when trying to understand the relations to the Church of Licinius, Constantine's last enemy. In this respect he does not share the opinion of K.M. Girardet who follows Eusebius when portraying Licinius as a pagan and even a persecutor. Constantine's relations to the bishops form the subject of H.A. Drake, *Constantine and the Bishops: the Politics of Intolerance*, Baltimore and London 2000. On p. 320 he emphasizes the point that the agendas of the Emperor and the Christian leaders in their political cooperation were different: "Whereas Constantine's repeated wish was for an end to bickering and conflict, the bishops placed a far higher value on conformity and obedience".

Eusebius is an author often referred to when Constantine's religious policy is under discussion. A. Cameron and S.G. Hall have published a translation, with a valuable introduction and commentary, of Eusebius' late work *Life of Constantine*, Oxford 1999. A. Cameron emphasizes the importance of rhetoric to the Christianization of the Roman Empire in: *Christianity and the Rhetoric of Empire: The Development of Christian Discourse*, Berkeley-Los Angeles-Oxford 1991. She gives a good survey of Late Roman history and society in: *The Later Roman Empire*, London 1993 and demonstrates how the Roman Empire changed when Christianity became the only accepted religion with the help of rhetoric, and even of violence. This is a central problem in P. Brown, *Power and Persuasion in Late Antiquity. Towards a Christian Empire*, Wisconsin-London 1992. A great span, in chronology and content, is made by P. Brown, *The Rise of Western Christendom*. London 1996. The emergence of Christian thinking and discipline is the subject of P. Brown, *Authority and the Sacred: Aspects of the Christianisation of the Roman World*. Cambridge 1995. Much information about Constantine the Great, his way to supremacy in the struggle for power and the organisation of his Empire is given in a catalogue of an exhibition at the University of Trier, A. Demandt & J. Engemann (eds.), *Konstantin der Große: Ausstellungskatalog*. Trier 2007. The same authors published the contributions of the international Symposium in Trier 2005,

Konstantin der Große: Geschichte, Archäologie, Rezeption: Internationales Kolloquium vom 10-15. Oktober 2005, Trier 2007.

This too short overview of articles and books – published after 1983 – demonstrates that the problems that were essential in Professor Torben Christensen's scholarly work still are of great interest in current studies. Many scholars are fascinated by the part the emperor Maximinus played in the struggle for power among the tetrarchs when Diocletian had retired to Salonica. Some of Professor Christensen's theories and suggestions, for example about the peace between Licinius and Maximinus in 313, may be questioned. Therefore is it important even today that his ideas will make part in the international discussion among scholars, where he already had found his place. He would have appreciated that!

Contents

Preface by Hugo Montgomery	V
Introduction	1
Chapter I. Maximinus – upbringing and appointment as <i>Caesar</i>	11
1. Gaius Galerius Valerius Maximinus	11
2. The Diocletian Tetrarchy	16
3. <i>Dispositio Diocletiani</i> and Maximinus is elected as <i>caesar</i>	26
4. Maximinus is proclaimed <i>caesar</i>	38
Chapter II. Maximinus as Caesar	43
1. Maximinus - a typical <i>tyrannus</i>	43
2. Army and border defence	47
3. Administration and tax policy	55
4. Maximinus the ruler	72
5. Religious policy	81
Chapter III. The decline and collapse of the tetrarchy	117
1. Galerius and Constantine	117
2. Striving for independence in the West and political divisions	128
3. The Conference at Carnuntum and the Fourth Tetrarchy	143
4. The collapse of the tetrarchy and Galerius' attempts at reconciliation	166
5. The Galerius Edict	170
Chapter IV. Maximinus as <i>Maximus Augustus</i>	189
1. Maximinus becomes <i>Maximus Augustus</i>	189
2. Maximinus' consolidation as <i>Maximus Augustus</i>	201
3. Maximinus and the Galerius Edict	207
4. The fight against Christianity and efforts to regenerate Paganism	212
Chapter V. Maximinus – defeat and fall	239
1. Constantine's political double game	239
2. The background to Constantine's fight against Maxentius	252

3. Constantine's Italian campaign	257
4. <i>Litterae Constantini</i>	268
5. Maximinus' letter to Sabinus	277
6. The Milan Conference	285
7. Maximinus's failed counterattack	294
8. Maximinus' death	307
Appendices I-V	313
I <i>De mortibus persecutorum</i> , cap. XVIII – a fragment of a political pamphlet from 307	313
II An Analysis of <i>h.e.</i> IX,1,1-11	316
III <i>Litterae Constantini</i> – a reconstruction	325
IV Maximinus' Letter to Sabinus (<i>h.e.</i> IX,9a,1-9)	326
V Maximinus' Complete Law for the Christians (<i>h.e.</i> IX,10,7-11) and the Milan Edict	330

ABBREVIATIONS

Anon. Val. = *Excerpta Valesiana*, rec. J. Moreau (1961).

Aurel. Vict. Lib. De caes. = Sextus Aurelius Victor: *Liber de caesaribus*, rec. Fr. Pichlmayr (1911).

CIL = *Corpus Inscriptionum Latinarum* (1863 ff.).

De mart. Pal. = Eusebius, *De martyribus Palaestinae*, rec. E. Schwartz, *Eusebius Werke* II, 2 (1908).

De mort. = Lactantius, *De mortibus persecutorum*, rec. J. Moreau, in *Sources Chrétiennes* 39 (1954).

Epit. De caes. = *Epitome de caesaribus*, rec. Fr. Pichlmayr (1911).

Eusebius II = H.J. Lawlor, *Eusebius. The Ecclesiastical History and the Martyrs of Palestine II* (Introduction, Notes, 2nd ed. 1954).

Eutrop. = Eutropius, *Breviarium de urbe condita*, rec. H. Droysen (1879).

h.e. = Eusebius, *historia ecclesiastica*, rec. E. Schwartz in *Eusebius Werke* II, 1-2 (1903-1908).

ILS = *Inscriptiones Latinae Selectae*, ed. H. Dessau (1892-1916).

Paneg. = *Panegyriques Latins I-II*, ed. E. Galletier (1952). While Galletier's numbering of the individual *panegyrici* is followed, in a parenthesis the year is indicated, in which they were held.

RE = Pauly-Wissowa, *Realencyklopädie der classischen Altertumswissenschaft* (1894 ff.).

Zos. = Zosimus, *Historia Nova*, rec. Fr. Paschoud, *Zosime, Histoire Nouvelle I* (1971).

INTRODUCTION

The years from the abdication of Emperor Diocletian on 1 May 305 to the death of Emperor Maximinus in August 313 were an eventful and crucial period in the history of the Roman Empire. During these years the tetrarchy established by Diocletian disintegrated in power struggles among rival rulers and paved the way for a revival of the concept of the imperial dynasty. Equally important events were the collapse of Diocletian anti-Christian religious policy and the start of a radically different organization of the relationship between the Roman Empire and the Christian church.

Constantine occupies a dominant position in all discussions of this period in the history of the Roman Empire. This is perfectly understandable. During these years he established for himself a position of power which eventually allowed him to set himself up as the supreme and sole ruler of the Roman Empire. Concurrently he developed his personal conviction of the existence of the Christian Deity, and this belief in turn determined his new religious policy which favoured Christian worship to the detriment of pagan cults. But the extraordinary attention devoted to Constantine is determined also by the simple fact that he holds the most prominent position in the written sources. Moreover, almost all these sources are clearly in favour of Constantine, and they reflect his own and his supporters' view – the view which they wished to pass on – of the events during the years that were of such crucial importance to his subsequent history.

But extant sources, nevertheless, make it clear that Constantine was not the sole, let alone the sole important, actor on the historical stage of this period. So they portray him against the background of the so-called Diocletian tetrarchy and its rulers: Diocletian, Maximianus, Constantius, Galerius, Maxentius, and Maximinus. Of these, Maximinus attracts particular interest, not just because we know rather more of him than of the others, but also because, of all Constantine contemporaries, he had a political career which was almost inseparable from that of Constantine.

Maximinus' religious policy is the main reason why we possess so much information about him. Despite their antipathy, the Christian sources contain so much material about him that they emphasize his position as a worthy opponent to Constantine, at least in this particular respect. Maximinus wished to reinstitute worship of the gods of the Roman Empire to its traditional position as the natural source for safeguarding all human and social life; this aim forced him to wage war on the Church and on Christianity to bring about their destruction. He wished to work for pagan religion in much the same way as Constantine, at a later stage, worked on behalf of the Christian Church and its worship.

Maximinus suffered political defeat when his army lost to that of Licinius in late April 313. In August of that year the plague killed him and his religious policy was buried with him. Licinius and Constantine, therefore, merely confirmed Maximinus' defeat when, immediately after his death, they passed the sentence of *damnatio memoriae* on him.

All this provides us with a clear reason for the assessment of Maximinus and his work which we find in the contemporary Christian authors Lactantius and Eusebius. According to Lactantius' *De Mortibus Persecutorum*, Maximinus became *Caesar* as the result of a veritable coup d'état engineered by Galerius. His sole claim to the Imperial throne was the fact that he was Galerius' creation; he himself possessed no military or political knowledge. In addition, he was a tyrant of a wicked and vicious disposition, so his rule was, almost by necessity, a catastrophe to the Roman Empire and its people. His regime of horror culminated in his attack on the Christians. Eusebius discussed Maximinus most extensively in *Historia Ecclesiastica* Books VII and IX; he concentrated on his religious policy, but otherwise his characterization of Maximinus and his rule was in complete agreement with that of Lactantius.

Eusebius' works passed knowledge of Maximinus to posterity. Consequently, no one doubted that he was a wicked and unprincipled man, a tyrant of the worst kind, an insufferable pestilence for the Roman Empire and its inhabitants in general and for the Christians in particular; he was the cruellest of all persecutors of Christianity. Unlike Eusebius' writings, Lactantius' *De Mortibus Persecutorum* was soon forgotten, although not entirely lost. The library at the monastery at Moissac contained a copy of Lactantius' work in a not very well preserved manuscript. This was found and published in 1679. Apart from some new details, however, historians found in it only confirmation of the picture that Eusebius had drawn of Maximinus.

Jacob Burckhardt, of course, did not think very highly of Lactantius' and Eusebius' historical objectivity. In his comprehensive book on Constantine, published in 1853, he characterized *De Mortibus Persecutorum* as "eine höchst einseitige Parteischrift".¹ Even though he made no specific comment on the historical value of Eusebius' *Historia Ecclesiastica*, we may safely assume that he rated it low, seeing that he described Eusebius as "der widerlichste aller Lobredner" who in his *Vita Constantini* "sein Bild durch und durch verfälscht hat".² This scepticism has not, however, left much of a mark on his discussion of Maximinus. He followed Lactantius and Eusebius

¹ *Die Zeit Constantins des Grossen* (Bibliothek der Weltgeschichte 2. 1954), 243.

² *Op. cit.* 256.

to a considerable extent when writing, “Ausschweifend, abergläublich über die Massen, besass er doch jene kühne Entschlossenheit, welche den Herrscher so wesentlich ziert und welche wohl den Galerius zu seiner Adoption bewogen hatte; sonst erscheint seine Regierung, wie aus dem Benehmen gegen die Christen hervorgeht, herzlos und tückisch, lässt sich übrigens schwer im einzelnen beurteilen, weil er, wie später Julian, unter eine förmliche Mitherrschaft der Priester und Magier geraten war”.³

Otto Hunziker made the first attempt to distance himself from Lactantius and Eusebius’ interpretation of Maximinus. He characterized Maximinus as “ein Verwandter des Galerius, gleich ihm ungebildet und roh, aber eine kräftige Natur, deren Scharfsinn und Talente selbst der Taumel der Leiden-schaften nicht abstumpfte”.⁴ He placed particular emphasis on the measures which Maximinus adopted from late 311 in his fight against the Church as representing a new departure: “unstreitig nahm die Verfolgung unter Maximinus zu geistigeren und tiefergreifenden Mitteln Zuflucht als bloss zur rohen Gewalt, mit der man es früher gesucht hatte”⁵ – he must be seen as “den Vorläufer Kaiser Julians”.⁶ These remained, however, mere hints which had no great influence on the understanding of Maximinus.

Otto Seeck’s characterization of Maximinus in his monumental *Geschichte des Untergangs der antiken Welt* was of much greater consequence in this respect. Not only did his book give the most comprehensive description to date of the period which is of interest here, it has also, ever since it was first published in 1899, dominated the discussion and to a large extent determined the conception of the events of these years.⁷ Seeck writes, “Maximinus hatte mit seinem Blutsverwandten [Galerius] eine grosse Familienähnlichkeit, die sich aber nur auf die Fehler, nicht auch auf die Tugenden, zu erstrecken schien. Von der militärischen Tüchtigkeit, dem klaren Zweckbewusstsein, der Herrschaft über die Gemüter der Menschen, welche dem Galerius eigen waren, hat er niemals Proben abgelegt; doch an Leidenschaftlichkeit und Herrschgier, an Selbstsucht und Grausamkeit stand er nicht hinter ihm zurück. Galerius war dem Bechern nicht abhold; Maximinus betrank sich fast täglich bis zur Sinnlosigkeit ... Der Glaubenseifer seines Oheims verzerrte sich in ihm zur Karrikatur: das

³ Op. cit. 271-72.

⁴ *Untersuchungen zur römischen Kaisergeschichte* II (1868), 232 (“Zur Regierung und Christenverfolgung des Kaisers Diocletianus und seiner Nachfolger”).

⁵ Op. cit. 248.

⁶ Op. cit. 249.

⁷ O. Seeck’s important preliminary work is of interest in this context, too: “Die Anfänge des Constantin des Grossen” in *Deutsche Zeitschrift für Geschichtswissenschaft* VIII (1892), 41-107 and 189-281.

Martern und Hinschlachten der Christen betrieb er mit wahrer Begeisterung. Eben so feige wie abergläubisch, war er immer von Wahrsagern und Zeichendeutern umgeben und wagte kaum das unbedeutendste Unternehmen, ehe er sich durch sie über den Ausgang vergewissert hatte. Die Pflichten gegen die Götter erfüllte er mit ängstlicher Sorgfalt, weil er Furcht vor ihnen hegte; doch eine Pflicht gegen den Wohltäter, der ihn auf dem Thron erhoben hatte, oder gegen die seiner Obhut vertrauten Untertanen hat er nie gekannt. Hastig zutappend griff er nach allem, was seine Begierde reizte, mochten es fremde Weiber oder fremde Provinzen sein; doch stiess er auf gefährlichen Widerstand, so verlor er alsbald den Mut und die Besonnenheit. Ein Mensch wie dieser taugte ebensowenig zum Dienen, wie zum Herrschen".⁸ Seeck's assessment of Maximinus was also reflected in his article on him for Pauly-Wissowa *Realencyclopädie der classischen Altertumswissenschaft*; it runs to only four columns!⁹ In actual fact, however, Seeck merely produced a well-written but entirely uncritical concoction of Lactantius and Eusebius.

Scholars who have worked on the Diocletian tetrarchy and its fall since Seeck's day have been reluctant to accept Lactantius and Eusebius at face value, but they have repeated without reservations these Christian authors' words on Maximinus. Ernst Stein is alone in having tried to provide a new understanding of Maximinus and his work, in his *Geschichte des spätrömischen Reiches* from 1928.¹⁰ It was, however, merely a very brief sketch, so his ideas had no chance of becoming generally accepted. Helmut Castritius was right, therefore, when he stated, as late as 1969, that "auch die modernen Urteile über Maximinus Daia fast einhellig völlig negativ lauten".¹¹ He then attempted to generate a historically more just assessment of Maximinus. His examination concentrated on certain important aspects, primarily related to his religious policies. Finally, we must mention Robert M. Grant's article, "The Religion of Maximinus Daia",¹² which also tried to give Maximinus fair treatment. No attempt has ever been made to give a

⁸ *Geschichte des Untergangs der antiken Welt* I (4th ed. 1921), 43-44.

⁹ *RE* IV cols. 1896-90.

¹⁰ See E. Stein, *Histoire du Bas-Empire* I (1959), 88 ff. This French translation is by J.-R. Palanque who also provided useful additional information by including the results of the most recent research. A. Piganoil also attempted a partial "Ehrenrettung" for Maximinus, see *L'Empereur Constantin* (1932), 54.

¹¹ "Studien zu Maximinus Daia" (*Frankfurter Althistorische Studien* 2. 1969), 7.

¹² In Jacob Neusner (ed.), *Christianity, Judaism, and other Graeco-Roman cults*, IV (1975), 143-166.

comprehensive account of Maximinus and his work¹³ – he remains a marginal figure in all discussions of the imperial history of the time.

In view of the fact that Maximinus must have occupied a prominent place in the history of the Roman Empire during the important years from 305 to 313, this lack of interest is truly astounding. Whatever the reason may have been, the effect has been to leave the traditional picture of Maximinus unchanged – a few scholars have had reservations but they have never offered supporting arguments that would have ensured their general acceptance. Maximinus is definitely overdue for an examination based on critical analyses of literary sources, an examination which includes the by now considerable humanistic and epigraphic material which throws light, directly and indirectly, on his life and entire work.

This examination is needed not just to provide better understanding of Maximinus, but also to provide a better understanding of the events of the years 305-13. These comments also suggest the reasons for the publication of this study which aims to give a critical discussion of Maximinus in close relation to developments in politics and religious policies in the period 305-13.

Before beginning the discussion, though, we need to consider some points regarding the source material at our disposal. Coins and inscriptions will prove important for their reliable and often extremely valuable information which supplements and even corrects our knowledge, but Lactantius and Eusebius remain our most important sources for a description of Maximinus' life and work. Heathen chroniclers provide such scarce and fragmentary information that they are of no great value. Lactantius' and Eusebius' works, however, must be subjected to critical analysis, before we attempt to use their information in a discussion of Maximinus and of his entire time.

Their understanding of the years from the start of the Diocletian persecutions in 303 to the defeat and death of Maximinus in 313 is in itself sufficient proof of the need for a critical test of Lactantius and Eusebius. They consider the years to be of epochal importance. They regard and assess the development in those years from their conviction that Constantine and Licinius were just and God-loving emperors who by defeating Maxentius and Maximinus respectively destroyed the godless tyrannies that they had established in the west and the east – this made them the sole true rulers of the Roman Empire. Consequently, anybody who had opposed Constantine and Licinius or crossed their path in any way, appeared as

¹³ Although important, Castritius' and Grant' studies are not complete. They failed to include all relevant source material.

usurpers and tyrants. Therefore, Maximinus was described as a tyrant and his rule as a cruel tyranny. But their description clearly follows the traditional understanding of a tyrant and the nature of his rule conveyed by the education of rhetors. So it seems obvious to assume that the two Christian authors simply organized their description of Maximinus on the basis of the traditional pattern for a tyrant, adding the point that he who opposed the almighty God of the Christians, must also suffer just punishment in the form of a cruel death. A critical analysis is the only method which can provide a detailed account of the extent to which Lactantius and Eusebius reproduce the traditional tyrant pattern in their accounts or base themselves on genuine historical information.

De Mortibus Persecutorum concentrates on the Emperor's relationship with the Church from 303 to 313. The identity of its author has been the subject of intense debate in the past, but today Lactantius is generally accepted.¹⁴ But the date and place of origin of the work are still being discussed. Our material does not permit of a reliable determination of the place, but all available information suggests the year 315 as the most likely date.¹⁵ The discussion of Lactantius' possible use of sources when writing *De Mortibus Persecutorum* seems to have been settled by J. Moreau who claimed that the text is a unity conceived by Lactantius himself without the use of actual sources.¹⁶ We must add, though, that Moreau's claim is based on no convincing repudiation of arguments given by scholars who have

¹⁴ J. Moreau gave an excellent account of these initial problems in Lactance. *De la Mort des Persécuteurs* I. Introduction, Texte Critique et Traduction (*Source Chrétienne* 39, 1954), 12-75.

¹⁵ See J.-R. Palanque's convincing argument in "Sur la date du 'De mortibus persecutorum'" in *Mélanges d'Archéologie et d'Histoire Offertes à André Piganiol* (1966), 711 ff.

¹⁶ Cf. *De la Mort des Persécuteurs* I, 44: "Mais, plutôt que de chercher, ... tout prix, des sources au de *Mortibus*, il vaut mieux partir des faits établis, et laisser parler le bon sens: qu'il ait existé, ou non une ou des histoire de la *Tétrarchie*, Lactance n'avait pas besoin de les consulter: il lui suffisait de faire appel à ses souvenirs, d'utiliser les documents conservés à la chancellerie de Constantin, d'interroger les confesseurs de Nicomédie, et, surtout, de s'informer auprès de son maître de la vérité, la plus utile, pour le moment, ... une cause que les Chrétiens de la cour confondaient, dès lors, avec celle de leur religion". It may be more correct to say that Moreau's views have become generally accepted or at least have not been contradicted because of the impressive knowledge which marks his discussion of the initial problems and the large commentary which is included in his edition of *De Mortibus Persecutorum*: Lactance. (*Sources Chrétienne* 39. Cit. Commentaire).

tried to identify various sources in Lactantius' work.¹⁷ J. Moreau was in no doubt that *De Mortibus Persecutorum* was historically reliable in all essentials.¹⁸ This view seems to have been generally accepted, too; no objections appear to have been raised. But his view is based on no genuinely critical historical analysis of Lactantius. In his edition of *De Mortibus Persecutorum*, Moreau treats very lightly the difficulties which even a cursory reading of Lactantius' account seems to raise. He shows a marked tendency to harmonize opposing sources, which seems to blind him to the problems contained in Lactantius' text.¹⁹ I do not intend to suggest solutions to these problems, merely to emphasize the point that the issue of the use of sources in Lactantius' text remains unsettled, leaving the question of the historical reliability of this text still unanswered. Therefore, Lactantius must not in any way be used uncritically as a source for Maximinus.

Turning now to Eusebius, we find an excellent critical edition of his *Historia Ecclesiastica* by Eduard Schwartz.²⁰ He offered convincing proof that the books VIII-X on the period from the start of the Diocletian persecutions in 303 to Constantine's victory over Licinius in 324, in their present form represent a development which spanned more than a decade.²¹ Originally, Eusebius stopped his account at Book VIII on "the great persecution" from 303 to its dismantlement in 311. This first "edition" was written in late 311 or early 312²² and has left specific marks in manuscripts A T E R.²³ Book IX on the time from Galerius' death in 311 to Maximinus' demise in 313 was added to the second "edition" which must have been completed by

¹⁷ This is clear, for example, in Moreau's discussion of Karl Roller *Die Kaisergeschichte in Laktanz 'de mortibus persecutorum'* from 1928, see *De la Mort des Persécuteurs* I, 41 ff.

¹⁸ Cf. *De la Mort des Persécuteurs* I, 51: "On peut le [Lactance] suivre en toute confiance pour établir les événements survenus entre 300 et 316, et sa valeur n'est pas moins grande en tant que reflet de l'opinion des cercles constantiniens entre 313 et 320, et point de repère très sûr pour l'étude de l'évolution politique et religieuse du futur fondateur de Constantinople". According to Moreau, *De mortibus persecutorum* dates from the time between 318 and 321.

¹⁹ This is clear, for example, in Moreau's discussion of Karl Roller, *Die Kaisergeschichte in Laktanz 'de mortibus persecutorum'* from 1928, see *De la Mort des Persécuteurs* I, 41 ff.

²⁰ *Eusebius Werke* II,1-3 (*Die Griechischen Christlichen Schriftsteller der ersten drei Jahrhunderte* 9, 1-3, 1903-1909).

²¹ See Eusebius *Werke* II,3, XLVII ff.

²² See pp. LVI-LVII.

²³ See pp. XXIII ff.

the year 315.²⁴ A slightly revised third “edition” seems to have been finished in 317,²⁵ and the fourth and final “edition” containing the account of the opposition and final clash between Constantine and Licinius appeared after the latter defeat in 324.²⁶

In every new edition, Eusebius added new information which he had collected, but he also corrected the former versions and even deleted passages from them in order to provide a unified text. His revisions were, however, not consistent, so the final version of books VIII-X contains inconsistencies, even contradictions.

R. Laqueur added to Schwartz’s observations in an analysis of books VIII-X in the church history.²⁷ With extraordinary perspicacity he identified inconsistencies and contradictions in numbers hitherto unnoticed. On this basis he proved that the final three books of Eusebius’ church history underwent even more thorough revisions than assumed by Schwartz when he established the four editions of the church history. Furthermore, Laqueur claimed that he could determine the precise extent and nature of the changes that Eusebius introduced in the various editions. On this basis he felt that he could identify the motives which inspired Eusebius in his continuous revisions of his church history.

Laqueur’s work has shown the need for a critical examination of books VIII-X of the church history. He has shown the need for careful analysis and proved the value of continuously asking for the reasons that have produced the breaks in Eusebius’ account. He has also shown that a very detailed picture can be constructed by paying attention to the tendencies and specific characteristics of each revision. In this way he has established an inviolable principle of method: Eusebius can only be used as a source for the years 303-13 if the various editions or – to use a better expression – revisions have been identified and their basic character determined.

This is not to say that all Laqueur’s results can be accepted without reservations. The fact alone that his analysis covers only selected passages from books VIII and IX forbids this.

²⁴ See pp. LVII f.

²⁵ See p. LIX.

²⁶ See *ibid.*

²⁷ Laqueur published his results in “Eusebius als Historiker seiner Zeit” (*Arbeiten zur Kirchengeschichte* II, 1929).

Many of his individual analyses also appear limited and at best debatable and sometimes they provide insufficient support for his wideranging conclusions. His analyses must be subjected to critical examination.²⁸

Eusebius has left us another important source. The manuscript known as *De Martyribus Palaestinae* describes “the great persecution” in Palestine from its start in the spring of 303 to its cessation in the spring of 311. The text shares much of its substance with the *Historia Ecclesiastica* VIII, but it also contains important relevant to the development in the eastern provinces which were controlled by Maximinus. It exists in both a short (S)²⁹ and a long (L)³⁰ version, but we need not discuss their relationship to each other and to the church history. The important point in this context is that Eusebius must have been the author of both. We should mention, though, that the Palestinian martyrology is based on a description of the martyrdoms which Eusebius himself witnessed in Caesarea.³¹ This can be seen as a reminder that we must be careful not to draw too wideranging conclusions about the nature of “the great persecution”, even though Eusebius himself invites such conclusions in both S and L.

Finally, I should point out that both the short and the long version will be used as sources irrespective of their relative age, but every single piece of information that they provide will, of course, be subjected to critical examination in an attempt to establish their historical reliability.

These remarks on the question regarding the nature of the literary sources which are central to our subject clear the way for our attempt to provide the most exhaustive account possible of Maximinus and his work seen in close connection with the historical development during the years 305-13.

²⁸ This may seem to be a superfluous truism, but I include it for the simple reason that everybody seems to have accepted Laqueur’s analyses and results as correct, seeing that no one has subjected them to critical examination. My *Rufinus of Aquileia and the Historia Ecclesiastica, Lib. VIII-IX, of Eusebius* contains a line-by-line analysis of these books and a detailed discussion of the validity of Laqueur results. Some of my findings from this examination will, however, be included in this book, whenever the discussion of Maximinus requires it.

²⁹ Published by E. Schwartz in *Eusebius Werke* II,1, 907 ff.

³⁰ Preserved in an incomplete Syrian translation, published with a translation into English by William Cureton in *History of the Martyrs in Palestine, by Eusebius, Bishop of Caesarea* (1861).

³¹ R. Laqueur provided convincing proof of this in “Eusebius als Historiker seiner Zeit”, 26 ff.

Chapter I

MAXIMINUS – UPBRINGING AND APPOINTMENT AS CAESAR

I. Gaius Galerius Valerius Maximinus

Just as is the case with Diocletian and his fellow rulers, we know very little of Maximinus before he was appointed *caesar* in the year 305. Few sources exist, but they permit us to say that he was born in Illyricum.¹ His name Daia² is of Thracian origin and might suggest that he came from Thrakia, but several sources state that he was the son of Galerius' sister.³ Galerius was born in Romulianum on the Danube in the new *Dacia ripensis*⁴ which Aurelianus had established south of the Danube after abandoning the old *Dacia ripensis* north of the river⁵. This suggests that Maximinus' family lived in this new province which comprised parts of Thrakia. We may conclude, therefore, that Maximinus was born in the north-eastern parts of Illyricum that bordered on the Danube. Of his parents we know nothing, except that they were probably cowherds.⁶

The year of Maximinus' birth is also uncertain. At the time of his appointment as caesar, he was described by Lactantius as *adulescens*,⁷ a word that characterizes a young man 18 to 30 years old. Coins with his *effigies* (portrait) show him with a youthful face suggesting that he was an emperor at the age of about 25.⁸ Finally, an extant bust of Maximinus as

¹ In *Lib. de caes.* 40,1 Sextus Aurelius Victor refers to Maximinus as *Illyricorum indigena*.

² According to Lactantius, Daia is Maximinus' original name, cf. *De mort.* XVIII, 13 and XIX, 4. *Epic. de caes.* 40,18 agrees in the phrase *nomine ante imperium Dacia dictus*. CIL VIII, 10784 confirms Daia as the correct form.

³ Cf. *De mort.* XVIII,14 which describes Maximinus as Galerius' *affinis*, and *Epit. de caes.* 40, 1 and 18, which more precisely identify him as Galerius' *sororis filius*. This is true also of Zos. II,8,1.

⁴ Cf. *Epit. de caes.* 40,10 and *De mort.* IX,2. On the question of Galerius' place of birth, see also *RE* XIV col. 2517.

⁵ For this, see Hermann Vetters, *Dacia Ripensis* in *Oesterreichische Akademie der Wissenschaften. Schriften der Balkankommission* XI (1950), 4 ff.

⁶ This appears from *De mort.* XIX,6: *Daia uero sublatu nuper a pecoribus et siluis* and *Epit. de caes.* 40,18: *ortu quidem atque instituto pastoralis*.

⁷ See *De mort.* XVIII,13.

⁸ Based on the iconography of the coins, J. Maurice assumed that Maximinus "pouvait avoir vingt-cinq ans environ lorsqu'il mourut en 313, peut-être de vingt-cinq à trente ans" (*Numismatique Constantienne* I (1908), 66).

imperator portrays him as a man in his late twenties.⁹ If we compare these, not awfully precise, characterizations, we are justified in assuming that he must have been in his early twenties in 305. He was born, then, in about 285 which makes him a contemporary of Constantine.¹⁰

These scattered details do not take us very far, but we can say that just like Diocletian, Maximinianus, Galerius, Constantius, Severus, and Licinius, Maximinus came from *Illyricum*, was of peasant stock and joined the army to make a career for himself. When chroniclers noted the low social origins of the Illyrian emperors, however, they used this information in their criticism against them for lack of culture and education¹¹ – often phrased with a hint of scorn and condescension. This is quite clear in Lactantius, who describes Maximinus as a *semibarbarus*,¹² because he rose with extraordinary speed from being a shepherd in the wild forests to being one of the rulers of the Empire.¹³

There is no doubt that this was an expression of local Roman patriotism, embittered by the fact that Illyrian soldiers possessed the political power in the Roman Empire. This Roman resentment quite overlooked the fact, however, that although these soldier emperors were Illyrian, they saw it as their mission in life to preserve and guard *imperium Romanum*, Roman culture and civilization. Since we know that Illyricum had been romanized to a considerable extent, it seems quite unthinkable that they they did not grow up in a romanized environment; the Roman educational system flourished in the Illyrian cities, and they may quite likely have received personal impressions of the political, cultural, and religious significance of *nomen*

⁹ For this, see E. Stein, *Geschichte des spätrömischen Reiches* I, 128 Taf. 2 and R. Delbrueck, *Antike Porphyrrwerke (Studien zur spätantiken Kunstgeschichte* 6, 1932) 121, Taf. 63.

¹⁰ *De mort.* XVIII,10 Lactantius characterizes Constantine as *adulescens* just as also Maximinus. We have no means of establishing Constantine's exact year of birth. Some scholars have argued in favour of about 280, see A. Piganiol, *L'Empereur Constantin*, 36 f. and *Scripta Varia* III (1973), 216 f, and of about 285, see J. Vogt in *Römische Mitteilungen des deutschen archäologischen Instituts, Röm. Abt.* LVIII (1943), 190 ff. ("Streitfragen um Konstantin den Grossen"). All in all, the arguments seem to support about 285 as the most likely year of Constantine's birth.

¹¹ Cf. Aurel. Vict. Lib. *De caes.* 40,12-13: *Adeo miri naturae beneficiis, ut ea si a doctis pectoribus proficiscerentur neque insulitate offenderent, haut dubie praecipua haberentur [Constantius et Galerius]. Quare compertum est eruditionem elegantiam comitatem praesertim principibus necessarias esse, cum sine his naturae bona quasi incompta aut etiam horrida despectui sint ...*

¹² *De mort.* XVIII,13.

¹³ See *De mort.* XIX,6.

Romanum. We must treat with extreme scepticism, therefore, the information on the barbarian origin and lack of culture of the Illyrian emperors.¹⁴

In the case of Maximinus, we must reject as quite improbable Lactantius' claim that he was dragged away *a pecoribus et siluis* only to become *caesar* shortly after. One source states that although Maximinus was a shepherd by birth and upbringing, he was also *sapientissimi cuiusque ac litteratorum cultor*.¹⁵ The truth of this is confirmed by the later presence at Maximinus' court of neo-Platonic philosophers such as Hierokles.¹⁶ It is reasonable to conclude, therefore, that Maximinus had been brought up and educated to appreciate science and philosophy.¹⁷ We do not know when this education took place, but since he became *caesar* in his early twenties and even then had a military career behind him, he seems most likely to have been taught from his boyhood in the schools which passed the classical Roman tradition on to their students in Illyricum. This is also ample reason why we must reject Lactantius' suggestion that Maximinus himself was *pecorum pastor*.¹⁸

¹⁴ According to Lactantius, Galerius displayed a completely barbaric, unRoman spirit: *Inerat huic bestiae naturalis barbaries, efferitas a Romano sanguine aleina: non mirum, cum mater eius Transdanuuiana infestantibus Carpis in Daciam nouam transiecto omne confugerat* (*De mort.* IX,2). So Galerius' mother, otherwise also described as a primitive woman, see *cap.* XI,1, belongs to the group who fled from the old *Dacia ripensis* during the attack by the Carpatians under emperor Aurelianus to settle south of the Danube. Interestingly, the strongly Romanized social classes – the citizens of the cities and large landowners – fled, whereas the peasants remained behind, see P. Bandis in *RE* IX col. 975 f. and C. Daicoviciu, *Siebenbürgen im Altertum* (1943), 123 ff. This fact seems to suggest that Galerius' mother and thus he himself belonged to the Romanized segments that did not wish to live under a barbaric regime.

¹⁵ *Epit. de caes.* 40,18

¹⁶ See below Chapter II at note 182.

¹⁷ Lactantius had castigated Galerius most severely for his antagonism to education and learning, see *De mort.* XXII,4. Given his eager attempts to show that Maximinus is Galerius' equal in all respects as his *magister*, cf. *cap.* XXXVII,3, his refraining from accusing him of being an enemy also of *eruditio* and *humanitas*, seems remarkable. We must take it, then, that on these points Lactantius had no quarrel with Maximinus.

¹⁸ *De mort.* XIX,6. Galerius' relationship with his mother, see *cap.* XI,1-2, and his later relationship with Maximinus, his sister's son, clearly demonstrates his urgent wish to help and support his family. Consequently, it is not unreasonable to assume that when he had become *caesar* in 293 and had been given all Balkan as his area of responsibility, he saw it as his duty to help Maximinus' parents, if they, as our sources suggest, had lived the hard and toilsome life of a cattleherd. As a result of Galerius' protection they may have advanced on the social ladder, which again may have made it possible for them to give their son Maximinus the best possible education – that was a condition of a career in the Roman Empire even then.

Maximinus joined the army and, according to Lactantius, advanced through the ranks at lightning speed: *statim scutarius, continuo protector, mox tribunus*.¹⁹ So Maximinus began his military career as a *scutarius* serving in *vexillatio comitatensis*, one of the cavalry detachments that formed a part of the Imperial guard (*comitatus*) attached to Galerius' permanent quarters.²⁰ His promotion to *protector* meant that he joined the *scholae palatinae* as a trainee officer.²¹ This made him not only a member of the emperor's household guard, who had particular duties of loyalty towards the emperor, but also eligible for an education which would qualify him for senior officers' commissions and for special assignments as the Emperor's envoy in matters of government.

At the end of his training, Maximinus was appointed *tribunus* in charge of a military unit.²² Lactantius clearly regarded Maximinus' military career pure farce – he remained, at any rate, totally ignorant of *militia*.²³ Admittedly, Maximinus did not work his way up through the ranks. He did not start as a *tiro* with the border troops, *limitanei*, which were at the bottom of the military hierarchy, nor did he earn the privilege, which was otherwise the rule, of serving with the elite troops of the Imperial guard. His next appointment as a *protector* implied that he had again circumvented the standard procedure for promotions, according to which it took several years to rise from a *tiro* to *primicerius*. Even if we assume that Maximinus joined the army at the age of fourteen – the minimum age for admission into the army – his career remains extraordinary and must have been the result of protection – in other words, Galerius must have used his influence to secure favourable treatment for his sister's son.²⁴

¹⁹ *De mort.* XIX,6. The accuracy of this account suggests that Lactantius, the only source to include Maximinus' military career, must have been well informed.

²⁰ From *De mort.* XVIII,13-14, we may assume that Maximinus served only in Galerius' *comitatus*. The passage includes a conversation with Galerius in early 305, during which Diocletian claimed that he had no knowledge of him.

²¹ For this, see R.I. Frank, *Scholae Palatinae. The Palace Guards of the Later Roman Empire (Paper and Monographs of the American Academy in Rome XXIII. 1969)*. This is the best and most exhaustive study to date of *protectores* and their services to the Imperial life guard.

²² *Tribunus* merely indicates a senior officer, so we cannot deduce from that the nature of the army groupings under his command. Lactantius' words: *mox tribunus, postridie Caesar* (*De mort.* XIX,6) seem to indicate that his promotion to tribune must have taken place in the spring of 305.

²³ See *De mort.* XIX,6.

²⁴ Maximinus' military career was not exceptional, though. Sons of the Illyrian military aristocracy were in fact given preferential treatment if they chose to join the army, cf. O. Seeck, *Untergang der antiken Welt* I, 43-44 and 487.

This is not to say, however, that Maximinus acquired no military expertise. We know that as *caesar* Galerius was responsible for the defence of the *limes* on the Danube and in the eastern provinces which bordered on the Persian Empire; his *comitatus* was a mobile force which had to be ready at all times to come to the assistance of the border troops wherever the Imperial borders were being threatened. We have no evidence, however, of any military action involving Galerius and his troops neither on the Danube frontier after 297 nor on the eastern borders with Persia after her complete military defeat and the subsequent peace of 298.²⁵ So it seems unlikely that Maximinus ever took part in a major campaign or that he gained experience of military leadership in conditions of actual war. But he may well have had practical combat experience in some of the recurrent border skirmishes.²⁶ And it must have been of considerable importance to him that he received his military schooling in an army with capacity for glorious fighting under excellent leadership²⁷ – and he even served with the cavalry, which had become the most important weapon of tactical warfare.

In other words, Maximinus was trained with an army that was justifiably regarded as the best of its time. Add to this his later successful use of the strategy devised by Diocletian in the defense of the Imperial borders, his ability to secure peace and quiet on his sections of the border, and even his ability to secure the loyalty of his soldiers – then we have a picture of a man who must have gained real knowledge of *militia*, before he was appointed *caesar* in 305.

Lactantius also claimed that Maximinus knew nothing of *res publica* when he took control of *imperium*.²⁸ Again, we have every reason to be sceptical of the accuracy of Lactantius' information. A young officer in the Imperial guard received not only a military but also an administrative and political education, because later in his career he was supposed to be available to the Emperor for the implementation of his policies. Being also Galerius' close personal relation and the object of his protection probably only added to Maximinus' opportunities to gain first-hand knowledge of

²⁵ For this, see W. Seston, *Dioclétien et la Tétrarchie* I (1946, cit. *Dioclétien*), 134 ff. and 167ff.

²⁶ Galerius' campaign against the Sarmats between 302 and 304, cf. J. Moreau, *Commentaire*, 411 f, no doubt constitutes such border skirmishes which Maximinus may have taken part in.

²⁷ *Epit. de caes.* 40,15 characterizes Galerius, quite correctly, as *eximius et felix bel-lator*. It testifies to his convincing victory over Persian King Narseh, which apparently made him the most famous and celebrated general of the day – this is clear even in Lactantius' hostile account in *De mort.* IX,5-9.

²⁸ See *De mort.* XIX,6

the Diocletian tetrarchy and the guiding principles of its policies as they were implemented at the time around the year 300.

Maximinus' later admission of his indebtedness to Diocletian and Galerius as his fathers and the continuation of their policies by his own government also appear most reasonable if we assume that he used his years of learning well and became intimately familiar with *res publica* – which meant the Diocletian tetrarchy and its policies. Everything suggests that Maximinus received exactly the same schooling, military as well as political, as Constantine received at Diocletian's court.²⁹

We do not know if Galerius' protection of Maximinus was inspired, from the beginning, by a wish to see his nephew as Emperor. He stated this wish when he adopted him as his son, which probably happened either towards the end of the year 304 or in early 305. He acquired his new name as a result of this adoption: *Gaius Galerius Valerius Maximinus*.³⁰ This was an official announcement that he was destined to assume a place in the leadership of the Imperial government. But before we discuss the circumstances that led to Maximinus' being elected *caesar*, we must describe the Diocletian tetrarchy in which he was to serve.

2. The Diocletian Tetrarchy

The origin and nature of the so-called Diocletian tetrarchy has been the subject of intense debate in recent studies. This form of government used to be considered the artful product of Diocletian's systematic mind,³¹ but today most scholars tend to regard it as determined by the actual political conditions – Diocletian established the tetrarchy as the only form of rule

²⁹ Lactantius' negative comments on Maximinus' insufficient knowledge of *militia* and *res publica* must be approached with scepticism as they were obviously designed to offset Constantine. In *De mort.* XVIII,10, Diocletian and Galerius discuss the election of new *caesares*, and the passage refers to Constantine as an *adulescens* in possession of *industria militaris* who had already been made *tribunus ordinis primi* – this singular epithet represents Lactantius' mixture of *tribunus maior* and *comes primi ordinis*, two important positions held by Constantine, cf. R.J. Frank, *Scholae Palatinae*, 43.

³⁰ Cf. *De mort.* XVIII,13: ... *ostendens* (Galerius) *Daiam adulescentem quendam semibarbarum, quem recens iusserat Maximinum uocari de suo nomine*. This episode occurred in the spring of 305. The correct form of the name is supported by ILS No. 656, 664.

³¹ O. Seeck writes: "Diocletian – war ein wunderlicher Ideologe, ein grüblerisches Halbgenie, reich an Ein fällen, aber arm an Menschenkenntniss und praktischer Lebensweisheit –" (*Untergang der antiken Welt* I, 1-2).

suitable to solve the external and internal problems and difficulties which the Roman Empire faced.³²

Diocletian's troops proclaimed him Emperor near Nicomedia on 20 November 284.³³ Only by defeating Carinus in 285, though, did he gain control of the entire Roman Empire. From the outset Diocletian was obviously aware that a strong central government was the only tool that could regenerate the Roman Empire and solve all the urgent military, administrative, and economic problems, which must be dealt with if unity and stability were to be secured. He realized at an early stage, however, that just safeguarding the Empire against constant attacks from without and against local usurpers required more than the skills and possibilities of a single ruler.

Therefore he appointed Maximianus *caesar*³⁴ and sent him to Gaul to secure the border on the Rhine against constant Germanic attacks and to control the so-called Bagaud riots. He obviously performed extremely well, because in the following year Diocletian appointed him *augustus* of the entire West – Italy, Latin North Africa, Spain, Gaul, and Britain were his area of responsibility.

The new *caesar* was, just as Diocletian himself, Illyrian and had gained all his military training and combat experience on the Danube front.³⁵ Diocletian's choice of him as the one to provide peace and order in the West shows that he must have been one of Diocletian's able officers, whose loyalty could be trusted implicitly. But Diocletian must have been looking not just for military skills but also for the qualities of a ruler which were essential *ad restituendam rem publicam*.³⁶ And, as we have seen, he performed

³² Cf. K. Stade who argued in *Der Politiker Diokletian und die letzte grosse Christenverfolgung* (1926), 50, in opposition to Seeck that “die konstitutionelle Reform Diokletians kein wo-möglich schon vor Regierungsantritt ausgeklügeltes System, sondern ein Produkt von Notwendigkeiten ist”. But William Seston has, above all, emphasized the suggestion that “le système tétrarchique” was the product of a number of measures which Diocletian was forced to take by external circumstances, see *Dioclétien* pp. 79, 98f., 188, 224, 231, and 248. Seston's account of his argument is of such high quality that his work must be taken as the basis for any further discussion of the tetrarchy, its origin and essential qualities.

³³ P. Beatty Panopolis 2.162., Lactantius, *De mort.* XVII,1.

³⁴ See *Paneg.* II (289),2,3. Maximinianus was probably born around 240, cf. W. Ensslin in *RE* XIV col. 2487f.

³⁵ See *Paneg.* II (289),2,4.

³⁶ *Paneg.* II (289),3,1. Cf also cap. 4,2: *Neque enim cum rei publicae nauem secundus a puppi flatus impelleret, salutarem manum gubernaculis addidisti, sed cum ad restituendam eam post priorum temporum labem diuinum modo ac ne id quidem unicum sufficeret auxilium ...* In cap. 3,3-4 appears a list of the tasks for which Maximinianus

so well that Diocletian decided to include him in *imperium*.³⁷ He made him *augustus*³⁸ in the following year and officially termed him *frater*.³⁹

In the ceremonial speeches which the rhetor Mamertinus gave to Maximianus in 289 and 291 he identified the basic characteristic of this new dyarchy. Diocletian had appointed Maximianus *augustus* in order to strengthen the Imperial power – two people now shared the responsibilities of government and of establishing the Imperial authority everywhere.⁴⁰ But even though there were two *augusti*, the Imperial power remained one and indivisible. This required complete *concordia* between the emperors – they must think, will and act as a unit.⁴¹

In spite of this theoretical equality, Diocletian possessed supreme authority. His larger figure of iteration alone, in respect of both *potestas tribunicia* and the consulates, proved this.⁴² And Mamertinus made it quite clear that Diocletian issued the commands which *Maximianus* then had to follow.⁴³ Formally, Diocletian had established a dyarchi – in fact we are looking at a monarchy.

Diocletian's attempts to create a strong and unassailable Imperial power also led to his eager wish to provide the new dyarchic Imperial power with

was responsible as a result of having achieved a share of *imperium*. Thus, W. Seston is mistaken in his suggestion that Maximianus was elected exclusively to handle military matters and that only his military qualifications were of interest, cf. *Dioclétien*, 59, 60, and 80 f.

³⁷ Cf. *Paneg.* II (289),3,3: *impartito tibi imperio* and *cap.* 4, 1: *Haec omnia cum a fratre optimo oblata susceperis*. Mamertinus the rhetor held this *panegyricus* for Maximianus, but he does not give the place or time of Diocletian's transfer to him of *imperium*.

³⁸ See W. Seston, *Dioclétien*, pp. 60ff. We do not know what made Diocletian promote Maximianus to *augustus*. O. Seeck assumes that he forced it through, see *Untergang der antiken Welt* I, 26, but the sources do not provide support for this assumption which even ignores the unconditional loyalty and obedience that Maximianus always displayed in relation to Diocletian, at least till his abdication in 305. Diocletian probably just wished to strengthen Maximianus' authority by making him *augustus*.

³⁹ See e.g. *Paneg.* II (289),9,3.

⁴⁰ Cf. *Paneg.* II (289),11,1-2: *Rem publicam enim una mente regitis, neque uobis tanta locorum diuersitas obest quominus etiam ueluti iunctis dexteris gubernetis. Ita, quamuis maiestatem regiam geminato numine augeatis ...*, and III (291),6,7: *Ita duplices uobis diuinae potentiae fructus pietas uestra largitur, et suo uterque fruitur et consortis imperio*.

⁴¹ Cf. *Paneg.* 3 (291),6,3: *Quae enim umquam uidere saecula talem in summa potestate concordiam? Qui germani germiniae fratres indiuiso patrimonio tam aequabiliter utuntur quam uos orbe Romano?*

⁴² See W. Ensslin in *RE* XIV col. 2488f.

⁴³ Cf. *Paneg.* II (289),11,6: *Diocletianus initium facit, tu tribuis effectum*.

a religious foundation. Just after his rise to power in 284 he had had coins made with the inscription *Juppiter conservator augusti* in order to announce that Jupiter had elected him and entrusted him with imperium.⁴⁴ Shortly after Maximianus' appointment as *augustus*, Diocletian proclaimed himself and his fellow Emperor *Iouius* and *Herculius* respectively – probably on 21 July 287.⁴⁵ This new nomenclature was an indication that the two Emperors had Jupiter and Hercules as their ancestors and had been entrusted with the Imperial authority by them.⁴⁶ Their descent from the gods lent a divine quality to their government. In their Imperial work Diocletian and Maximianus reflected and realized the nature of their respective ancestor god.⁴⁷ They represented no incarnation of Jupiter and Hercules, but their *numen* was so active in them that in fact they appeared as *Juppiter praesens* and *Hercules praesens*⁴⁸ to their people.

Their divine descent placed both Diocletian and Maximianus in the world of the immortal gods, but the difference between them remained because they each reproduced the nature and functions of their divine ancestor. Jupiter was *rector coeli* and Hercules, his son, *pacator terrarum*,⁴⁹ and, similarly, it was Diocletian's task to command and Maximianus

⁴⁴ See W. Seston; *Dioclétien* pp. 54 f.

⁴⁵ This "epiphany" was the subject of an annual celebration which lasted for several days, cf. *Paneg.* III (291),3,7: *His quidem certe diebus, quibus immortalitatis origo celebratur* and *cap.* 19, 1: *gemino natali*. This marks the significance of the religious ideology behind *Iouius* and *Herculius*. This becomes prominent also when these epithets are associated directly with the emperors' names rather than constitute an element in traditional Imperial appellations. On this matter, see W. Seston's excellent account in his *Dioclétien* pp. 222 ff. And his "Jovius et Herculus ou l'" epiphanie" des Tétrarches" in *Historia* I (1950), pp. 257ff.

⁴⁶ Cf. *Paneg.* III (291),3,2-3: *Profecto enim non patitur hoc caelestis ille uestri generis conditor uel parens. Nam primum omnium, quidquid immortale est stare nescit, sempiternoque motu se seruat aeternitas. Deinde praecipue uestri illi parentes, qui uobis et nomina et imperia tribuerunt* and 2, 4: *siquidem uos dis esse genitos et nominibus quidem uestris, sed multo magis uirtutibus approbatis, quarum infatigabiles motus et impetus ipsa uis diunitatis exercet.*

⁴⁷ Cf. *Paneg.* II (289),7,5-6: *Verum hoc [sc Diocletiano sponte se dederent regna Persarum] Jouis sui more nutu illo patrio, quo omnia contremescunt, et maiestate uestri nominis consecutus est; tu autem, imperator invicte [sc. Maximianus] feras illas indomitasque gentes uastatione, proeliis, caedibus, ferro ignique domuisti. Herculei generis hoc fatum est uirtuti tuae debere quod uindicatis.*

Paneg. II (289), 11, 6.

⁴⁸ Cf. *Paneg.* III (291),10,5: *dis immortalibus laudes gratesque cantari, non opinione traditus, sed conspicuus et praesens Juppiter cominus inuocari, non aduena, sed imperator Hercules adorari.*

⁴⁹ *Paneg.* II (289),11,6.

must obey his commands.⁵⁰ This is also reflected in their respective names *Iouius* and *Herculius* which clearly proclaim Maximianus' subordinate position in relation to Diocletian – Hercules is Jupiter's divine assistant, and it is Maximianus' sole task to assist Diocletian. The fact that Jupiter was *Diocletiani auctor deus*⁵¹ also gave Diocletian the right to appoint the person that was to help him rule the Empire – in fact, Jupiter himself called people to the rank of Emperor by using Diocletian as his tool.⁵²

In 291 Mamertinus clearly regarded the Jovian-Herculean dynasty as perfect. It had proved its worth and established its divine nature, because Diocletian and Maximianus had regenerated the Roman Empire⁵³ – they were *restitutores* and thus, in actual fact, *Romani imperii conditores*.⁵⁴ But in 293 Constantius and Galerius were appointed *caesares* and were given their purple robes by Maximianus in Milan on 1 March and by Diocletian in Nicomedia on 21 May respectively.⁵⁵

On 1 March 297, on the occasion of the celebration of Constantius' *dies imperii*, a panegyrist, whose identity is not known to us, stated that now that the Empire had secured its borders and enjoyed continual growth, it needed a firmer government, and that was the reason why the Emperors included their sons in *imperium*.⁵⁶ This panegyrist's description of the

⁵⁰ Cf. Paneg. II (289),11,6: *Ut enim omnia commoda caelo terraque parta, licet diuersorum numinum ope nobis prouenire uideantur, a summis tamen auctoribus manant, Ioue rectore caeli et Hercule pacatore terrarum, sic omnibus pulcherrimis rebus, etiam quae aliorum ductu geruntur, Diocletianus initium facit, tu tribuis effectum.* For Hercules' deed dum inter homines erat, see Paneg. III (291),3,6.

⁵¹ Paneg. III (291),3,4

⁵² Cf. Paneg. II (289),3,1: *te, cum ad restituendam rem publicam a cognato tibi Diocletiani numine fueris inuocatus.* Even though Maximianus had Jupiter as his ancestor, he had in fact been called by Jupiter and was his subject, as is clear from this wording: *qua tuus [sc. Maximianus] Hercules Jouem uestrum quondam terrigenarum bello laborantem magna uictoriae parte iuuuit... (cap. 4, 2).*

⁵³ Cf. Paneg. III (291),15,3: *Reuera enim, sacratissime imperator, scimus omnes, ante quam uos salutem rei publicae redderetis...*

⁵⁴ Paneg. II (289),1,5.

⁵⁵ Cf. Seston, *Dioclétien*, 92 ff. Classical sources claim that the appointment of the new *caesares* happened at the same time, but in contrast to them, Seston shows that Constantius was elected before Galerius. Given that the time of each emperor's *dies imperii* determines his position in the Imperial hierarchy, and given that Constantius always precedes Galerius, he must have been the first of the two to be dressed in Imperial purple.

⁵⁶ Paneg. IV (297),3,2-3: *Cuius licet esset omni hoste perdomito certa securitas, nimios tamen in diuersa discursus uel reuisenda poscebat. Partho quippe ultra Tigrim redacto, Dacia restituta, porrectis usque ad Danuuii caput Germaniae Raetitiaque limitibus, destinata Batauiiae Britanniaeque uindicta, gubernacula maiora quaerebat*

political situation, internal and external, was in sharp contradiction to the actual conditions, which shows that the new *caesares* were not chosen primarily to improve the administration of the vast Roman Empire. The extension of the Imperial college was urgently needed because of growing military difficulties. Diocletian and Maximianus were simply incapable of stopping the assaults on the Imperial borders and of controlling the usurpers who posed an active threat to the unity of the Empire. The first tasks given to the new *caesares* prove that they were chosen primarily as military leaders: Constantius was sent to fight Carausius who had taken control of Britain and the canal coast in France, and Galerius soon received orders to march against King Narseh of Persia.⁵⁷ They were both born in *Illyricum* and had worked their way to the top of the army hierarchy.⁵⁸ They had proved not just their military skills but also their unswerving loyalty and faithfulness.

Diocletian no doubt chose the new *caesares* himself.⁵⁹ They were subsequently included in the families of the two *augusti*. Diocletian adopted

aucta atque augenda res publica, et qui Romanae potentiae terminos uirtute protulerant imperium filio pietate debebant.

⁵⁷ So the ominous military situation, according to Aurelius Victor, is the cause of the appointment of the two new *caesares*: *Carausius Britanniam hausto imperio capessivit. Eodem tempore, Orientem Persae, Africam Julianus ac nationes Quinquegentanae grauius quatiebant. Adhuc apud Aegypti Alexandriam Achilles nomine dominationis insignia induerat* (*Lib. De caes.* 39,20 ff.). *Eutrop.* IX,22,1 shares this perception, although the account jumbles the event together with no sense of precise chronology. So they both mistakenly ascribe significance to the Persian threat in this connection – W. Seston, in fact, repeats the misunderstanding, see *Dioclétien*, 90. Not till Narseh assumed power in Persia in 293, did the Persians adopt an aggressive policy which led to the invasion of Roman territory, cf. W. Ensslin, *Zur Ostpolitik des Kaisers Diokletian (Sitzungsberichte der Bayerischen Akademie der Wissenschaften 1942, 1)*, 35 ff and W. Seston, *op.cit.* pp. 164 ff, which gives 297 as the correct year of the invasion. The difficult military situation in its entirety, rather than specific events, made the expansion of the Imperial college necessary.

⁵⁸ We have very little information about Constantius and Galerius before they were appointed *caesares*. The sources display so many legendary characteristics (for this, see the comparison of the material on Constantius and that on Galerius in *RE* IV col. 1040 f. and XIV col. 2517 f. respectively) that we can proceed no further than Aurelius Victor and say that their homeland was *Illyricum* and that they had received outstanding military training in the army of Aurelianus and Probus, see *Lib. de caes.* 39,26 ff.

⁵⁹ This does not necessarily mean that Maximianus had not been asked for his opinion, and it was he – no doubt as a mark of honour – that dressed Constantius in *vestis purpurea* in Milan. If we are to take *De mort.* XVIII,6 literally, Galerius had organized the defense of the Danube front for 15 years – so the task must have been entrusted to him in 290, before he was elected *caesar*. Quite apart from the fact that Galerius had

Galerius, whose official name was from then on *Gaius Galerius Valerius Maximianus*.⁶⁰ He also married his daughter Valeria to Galerius.⁶¹ Maximianus adopted Constantius as his son under the name of *Marcus Valerius Constantius*,⁶² and he gave him his daughter Theodora in marriage.⁶³ Diocletian and Maximianus thus each headed an Imperial family, but as they were *fratres*, there was only one Imperial *domus*.⁶⁴

The Imperial family was a *domus diuina*.⁶⁵ When Maximianus and Diocletian dressed Constantius and Galerius in purple Imperial robes, they also became members of the Herculean and Jovian family – and as their fathers they were entitled to use the names *Herculius* and *Jouius*.⁶⁶

The appointment of the new *caesares* marked the formal establishment of the tetrarchy. The four rulers had the same *imperium proconsulare*, the same *potestas tribunicia*, and the same victors' titles – victories won by one

also fought the Persians on the Eastern front during this period, *quindecim anni* must not be overemphasized, but must be understood to mean that during his entire period as *caesar*, he was engaged only in military endeavours. So there is no compelling reason to follow O. Seeck in changing *annos quindecim* to *annos duodecim*, cf. *Untergang der antiken Welt* I, 438.

⁶⁰ CIL VIII, No. 608. Valerius stated that Galerius belongs to Diocletian's family: *gens Valeria*.

⁶¹ According to *Aur. Vict. Lib. de caes.* 39,24 f. and *Eutrop.* IX,22,1 Galerius had get a divorce to enter into this marriage to the Emperor's daughter. It seems likely that the wedding coincided with his appointment as *caesar*.

⁶² *Paneg.* II (289) 11,4: *Tu quidem certe, imperator* [sc. Maximianus], *tantum esse in concordia bonum status ut etiam eos qui circa te potissimo funguntur officio necessitudine tibi et affinitate deuinxeris ...*, could imply that even as early as this – 289 – Constantius had been adopted by Maximianus or had married the Emperor's daughter Theodora, as W. Ensslin reads the passage, cf. *RE* XIV col. 2503. In that case we would have evidence that Constantius had occupied a military position of high rank with Maximianus almost ever since the latter had been appointed Diocletian's fellow emperor in 287.

⁶³ When he married Constantius had to disown his concubine Helena, who was later to become the Emperor Constantine's mother.

⁶⁴ Constantius had Maximianus as his *pater* and Diocletian as his *patrius* (*Paneg.* IV (297),1,3).

⁶⁵ CIL XII No. 8019.

⁶⁶ If the proclamation of Constantius' and Galerius' divine origins happened on their *dies imperii* or on Diocletian's and Maximianus' *dies natalis* cannot be conclusively determined. We might have expected that as *filius Iovis* and as the man who exercised world rule on behalf of Jupiter, Diocletian would have dressed the newly elected *caesares* royal purple and declared that they belonged to the Jovian and Herculean family. It must be considered a mark of honour when it was left to Maximianus to conduct the Imperial investiture of Constantius and to make him a *Herculius*, because it did not entail greater powers than he possessed under the double empire.

Emperor were credited to them all. Each Emperor thus represented the one, undivided Imperial power, and the achievements of each served to strengthen and consolidate the Imperial authority. For this to work, the members of the Imperial college had to maintain internal cohesion and solidarity. Mamertinus' description of the characteristic of the dyarchy, given above, remained true for the tetrarchy – *concordia augustorum* was simply extended to *concordia augustorum et caesarum*.⁶⁷

The official propaganda proclaimed the unbreakable unity of the four rulers on coins, inscriptions, pictures, and statues. But they did form a hierarchy. This is clear from the iteration figures for the granting of *potestas tribunicia* and consulates, which were determined by the time of each Emperor's *dies imperii*. We would expect to find a considerable difference between the old and young members of the Imperial college, given that they had the titles of *augusti* and *caesares* respectively. But Maximianus was merely an honorary *augustus* whose position involved no greater authority than that of the *caesares*. The tetrarchy had meant no change in his area of responsibility; just as had been the case in the dyarchy, Diocletian possessed the decision-making power. He was in supreme control of all legislation, made all political decisions, appointed consuls, and had the right to award *imperium*. The other rulers simply had to execute Diocletian's decisions. For this reason there was no *partitio imperii* which would have meant that each Emperor had his own area, in which he alone exerted the power of government. Diocletian was prepared to allow his fellow rulers to appear officially as his fellow emperors and to treat them as his equals by sharing all honours with them. This showed the people that the Imperial power was one and indivisible. But the success of this was the result of the fact that Diocletian alone governed and controlled the Empire. The unconditional acceptance of this situation by the other emperors brought about *concordia augustorum et caesarum*.

In 297 a rhetor, whose name we do not know, stated in Constantius' presence that the tetrarchy was not merely practical and useful in political terms; the figure four represented completion and perfection.⁶⁸ Several

⁶⁷ For this question, see J.-R. Palanque, "Collégialité et partages dans l'empire romain aux I^{er} et V^e siècles" in *Revue des Études Anciennes* XLVI (1944), 47 ff.

⁶⁸ Cf. *Paneg.* IV (297), 4, 1-2: *Et sane praeter usum curamque rei publicae etiam illa Iouis et Herculis cognata maiestas in Iouio Herculoque principibus totius mundi caelestiumque rerum similitudinem requirebat. Quippe isto numinis uestri numero summa omnia nituntur et gaudent: elementa quattuor et totidem anni uices et orbis quadricariam duplici discretus oceano et emenso quater caelo lustra redeuntia et quadrigae solis et duobus caeli luminibus adiuncti Vesper et Lucifer.*

scholars have in fact accepted this idea when arguing that the tetrarchy was the final and complete expression of Diocletian's constitutional reforms.⁶⁹ We must remember, though, that when Diocletian extended the Imperial college to four members, he introduced no innovation. The extension was merely intended to strengthen the Imperial power.⁷⁰ This meant that although the new *caesares* had to be given their share of *imperium*, they must continue to accept Diocletian's absolute authority. The point of the Diocletian reform of government was, in other words, to give a share of the Imperial power to as many as was necessary to ensure *salus rei publicae*. The fact that the Imperial college numbered four rulers is of no real significance, and in this sense it is inaccurate to regard "the tetrarchan system" as the final product of Diocletian's constitutional reform.

Diocletian's extension of the Imperial college in 293 must, then, be seen as a measure provoked by a delicate military and political situation. For this reason it is not surprising to learn that when the new *caesares* were elected, no decisions were made as to their successors – the one all-important problem was to save the Empire and ensure peace and unity.⁷¹

⁶⁹ See e.g. W. Ensslin in *RE* VII A col. 2419: "Ein erweiterer Aufgabenkreis und die Sorge um die Nachfolge führten zur Vermehrung des Kaiserkollegiums durch die Caesares, und diese Tetrarchie sollte nach dem Plan des D. die staatsrechtliche Regel für die Zukunft werden."

⁷⁰ It is characteristic in this respect that of all the antique sources only *Paneg.* IV (297),4,2 attaches any significance to "the tetrachial system". The existence of an Imperial college characterized by *concordia* among its members attracted much more attention and praise.

⁷¹ W. Seston has emphasized this point very clearly: "Dioclétien n'a donc cédé en 293 à aucune logique abstraite qui l'eût obligé à placer aux côtés de chacun des Augustes un César. Occupé qu'il était à faire face au jour le jour au danger qui le pressait le plus, il s'est laissé conduire par les événement. L'enchaînement des faits l'a placé devant une situation toute nouvelle, car en quelques mois l'institution impériale recut pour couronnement un édifice imprévu aux lignes symétriques" (*Dioclétien*, 100). Seston sees a strong argument, quite rightly, for claiming that Diocletian did not act according to a preconceived plan in the fact that he appointed Constantius and Galerius *caesares* within a period of three months, see pp. 98 and 184 f. He is also right in rejecting the suggestion that the new tetrarchy has been created to solve the problem of succession, as it was commonly assumed, see pp. 98 f. On the other hand, he seems to go too far in his claim that the new *caesares* were elected only to solve purely military problems, so that only military qualifications had been considered. Likewise, Seston exaggerates when he claims that Diocletian shared *imperium* with Constantius and Galerius only to prevent – as was the case with Maximianus – their appointment as *imperator* of their respective armies if they were victorious, cf. pp. 90 f. Our sources do not appear to support such an interpretation, and moreover, one must wonder if such an arrangement was not quite superfluous given the demand for loyalty that Diocletian

The rule of the new tetrarchan Emperors was a success. The two *augusti* and their *caesares* managed to safeguard the borders of the Empire against all attacks, to defeat all usurpers, and to begin reforms of the army, the administration, and the finances of the state, all in order to bring about *restitutio imperii Romani*. But this created a new situation.

The tetrarchy of two *augusti* and two *caesares* had proved, through its results, its right to exist as an efficient form of government, and it had probably – strongly supported by official propaganda – become recognized as the legitimate Imperial regime. But many years of heavy fighting had generated large, highly trained armies, each of which was tied to an Emperor through strong bonds of loyalty.⁷² Towards the year 300, peace had been established in the entire Roman Empire, and then each emperor was free to consolidate and extend their control of the parts of the Empire that had been given them initially as their area of military operations. This was the start of an actual *partitio imperii*.

But Diocletian's authority was not weakened in any way. His wish remained the Imperial command. But it was far from clear how the situation would develop, once Diocletian had loosened his firm grip on the reign of the government. The members of the Imperial college were likely to fight among themselves to become his successor as the supreme ruler of the Empire.⁷³ In order to avoid this and to ensure the unity of the Empire under

made of his fellow emperors. He let them partake of *imperium* only because he wanted to give them the authority to exercise the Imperial authority on his behalf. At the same time, though, the expansion of the Imperial college to four members carried with it the potential for disagreements and power struggles, but in 293 it was impossible to make such a prediction, and later developments were to show that the tetrarchy was system of government that could in no way control the ambitious rulers that intended to pursue their own policies.

⁷² This is the grain of truth contained in Lactantius' hostile caricature of the tetrarchy lead by Diocletian: *Tres enim participes regni sui fecit [sc. Diocletianus] in quattuor partes orbe diviso et multiplicatis exercitibus, cum singuli eorum longe maiorem numerum militum habere contenderent, quam priores principes habuerant, cum soli rem publicam gererent (De mort. VII,2).*

⁷³ Cf. W. Seston, *Dioclétien*, 185: "La victoire a justifié la Tétrarchie. Mais Dioclétien n'avait bâti que pour la guerre, et, la paix revenue, un problème politique d'une extrême gravité se posa, surgissant de son oeuvre même. Les deux Césars, Constance et Galère, se contenteront-ils d'un rôle secondaire dans l'État, alors qu'ils ont été les principaux artisans des victoires? Maximien est jaloux de Constance; mécontent, restera-t-il le second de Dioclétien? Va-t-on vers la guerre civile et le démembrement de l'Empire?" Seston was right to point out that civil wars and the dissolution of the empire would result from the end of *concordia augustorum et caesarum*. Except for *De mort.* IX,4-8 and XVIII,1-2 – and these passages are irrelevant in this context, as we shall see – nothing suggests *discordia* among the emperors before Diocletian's abdication. Seston

a strong Imperial power, the question of succession must be solved. We do not know when Diocletian started giving serious consideration to this issue, but a solution was urgently required as soon as his abdication became a serious possibility.

3. *Dispositio Diocletiani* and Maximinus is elected *caesar*

Our sources agree that Diocletian and Maximianus abdicated at the same time,⁷⁴ and Lactantius allows us to determine the exact date: 1 May 305.⁷⁵ For the holders of *imperium* to give it up was such an extraordinary event that it raised many questions even at the time as to the reasons for this move. Many explanations were offered, but they diverged so markedly that just over half a century later, when Aurelius Victor gave his account of the event, he felt that it was impossible to get at the full truth.⁷⁶

But Lactantius was in no doubt. He explains that Diocletian had contracted a disease which was so serious that he was supposed dead at one point – on 13 December 304.⁷⁷ He recovered, but he was so weak that he became mentally deranged from time to time.⁷⁸ Shortly after – probably around New Year 305 – Galerius visited Diocletian in order to persuade him to abdicate.⁷⁹ At first he tried a kind approach; he pointed out to

does discover jealousy on the part of Maximianus towards Constantius because of his successful fight against all rebellion and resistance on the French channel coast and in Brittany, see pp. 117, 125, and 127 f., but the material cannot sustain such interpretation. On the contrary, the emperor Julian talks at a later stage of the good relationship that existed between Maximianus and Constantius, see *Orat.* I. 7 A-B. This appears in a panegyric to celebrate Constantius II's forefathers, but as there was no good reason why he should mention Maximianus, who had been sentenced to *damnatio memoriae* by then, he probably echoes a genuine tradition of the harmonious cooperation between Maximianus and his *caesar*. There is further confirmation for this in the fact that all our sources without exception describe Constantius I as a mild ruler quite without ambitions of power.

⁷⁴ Cf. W. Ensslin in *RE* VII A col. 2489 f.

⁷⁵ See *De mort.* XIX,1.

⁷⁶ Cf. *Lib. de caes.* 39,48: *Et quamquam aliis alia aestimantibus veri gratia corrupta sit, nobis tamen excellenti natura videtur ad communem vitam spreto ambitu descendisse.*

⁷⁷ See *De mort.* XVII,5-9.

⁷⁸ Cf. *cap.* XVII,9: *Demens enim factus est, ita ut certis horis insaniret, certis resipisceret.*

⁷⁹ See *cap.* XVIII,1-7.

Diocletian that he should retire because of his age and ill health and leave the government in younger hands. Diocletian refused on the grounds that it was not acceptable to give up the Imperial power, and as a private citizen he would be in great danger of being assassinated by some of the enemies he had made for himself as emperor. Diocletian added that if Galerius was unhappy with his title of *caesar*, there was no reason why all four emperors couldn't be called *augusti*.⁸⁰ But Galerius' sole interest was to become the supreme ruler of the Empire, so he rejected Diocletian's proposal and said that since his *dispositio* was to last for ever, two elderly men were to retain the powers of government and have two younger helpers.⁸¹ But if Diocletian refused to abdicate, Galerius would know what to do to make himself supreme Emperor! Diocletian had already learnt that under threats of civil war Galerius had forced Maximianus to abdicate⁸² and that he had organized a programme of military rearmament; therefore he gave in. Galerius had had his way – and Diocletian and Maximianus' abdication cleared his path to supreme rule.⁸³

We have no reason to be surprised to find that Lactantius, or the author of the source he may have used, dramatized the account of this trial of strength between Diocletian and Galerius by giving it in the form of a dialogue between them – that was a popular form of literary fiction which any trained rhetor knew how to use. It is much more important to note that an analysis of the contents of the account should make us sceptical as to its historical value.⁸⁴

⁸⁰ Cf. *cap.* XVIII,4: *Verum si nomen imperatoris cuperet adipisci, impedimento nihil esse quominus omnes Augusti nuncuparentur*. This hints at Lactantius' claim that Galerius was no longer satisfied with *Caesaris nomen* after his victory over the Persian king, see *cap.* IX,8.

⁸¹ Cf. *cap.* XVIII,5: *respondit [sc. Galerius] debere ipsius dispositionem in perpetuum conseruari, ut dou sint in re publica maiores, qui summam rerum teneant, item duo minores, qui sint adiumento*.

⁸² *Cap.* XVIII,7: *senex languidus, qui iam et Maximiani senis litteras acceperat scribentis quaecumque locutus fuisset*, must be seen in relation to *cap.* XVIII, 1: *Iam conflixerat nuper [cum] Maximiano sene eumque terruerat iniecto armorum ciuiliu metu*.

⁸³ Cf. *cap.* XVIII, 7: *lacrimabundus "Fiat" inquit [sc. Diocletianus] "si hoc placet"*.

⁸⁴ Even Edward Gibbon refused "to rely on the partial testimony of an injudicious writer" (*Decline and Fall of the Roman Empire* vol. I (London, 1954), 384) and he added, "Were the particulars of this conference more consistent with truth and decency, we might still ask how they came to the knowledge of an obscure rhetorician?" While Jacob Burckhardt accepted this interpretation, see *Die Zeit Constantins des Grossen*, p. 38, O. Seeck asserted that Lactantius was so well informed of all events at the court in Nicomedia that *De mort.* XVIII gave a factually correct historical account, see *Untergang der antiken Welt* I, 38 f. and 461. More recent studies accept this interpretation – J.

According to Lactantius, Galerius should have become supreme Emperor after Diocletian and Maximianus' abdication, but as soon as he had finished his account of Diocletian's day of abdication, he stated that Constantius was now the senior Emperor⁸⁵ – this information is correct! It is also difficult to imagine that Galerius could have forced Maximianus under threats of civil war to agree to abdicate without Diocletian knowing anything about this. It is even more unlikely if we think of Lactantius' own information that Maximianus controlled large armies that were loyal to him⁸⁶ and knew of no *timiditas*.⁸⁷ And finally, it is hard to see how Galerius could have frightened the two *augusti* with his threats of armed conflict. He seemed certain of defeat in a civil war, because Constantius would have helped the *augusti* – he would also suffer if Galerius managed to realize his plans.

As we said above Diocletian proposed to Galerius that all rulers should be given the title *augusti*. Galerius answered that Diocletian's *dispositio* should be preserved for all times, which meant that two *augusti* should possess *summa rerum* and be at the head of the Empire with two younger *caesares* as their helpers. This is a curious answer, because it gives an incorrect picture of the Diocletian form of government. According to the official titles there were, of course, two *augusti* and two *caesares*, and they were portrayed on coins and in pictures as elderly and young, but as we have already seen, Diocletian was the supreme ruler, and even Maximianus, despite his title, was his assistant along with the two *caesares*. This also means that Galerius' argument, as given by Lactantius, in favour of preserving the Diocletian *dispositio* appears strange: *inter duos facile posse concordiam seruari, inter quattuor pares nullo modo*.⁸⁸ The two *augusti* did in no way share the power of government, and consequently their mutual agreement was crucial to a firm government. This mutual *concordia* among all four rulers was the basic problem of the Diocletian tetrarchy, and it was solved only because Diocletian was solely responsible for all decisions and had his wishes carried out. The description of Diocletian's *dispo-*

Moreau regards the chapter as a reliable historical source in most respects as is apparent from his *Commentaire*. In spite of disagreements the chapter has never been critically tested for its historical worth.

⁸⁵ Cf. *cap.* XX,1: *Nam Constantium quamuis priorem nominari esset necesse ...* See also *cap.* XXIV,2.

⁸⁶ It appears from *cap.* XXVI,5 and XXVII,3.

⁸⁷ See *cap.* VIII,2.

⁸⁸ *Cap.* XVIII,5. At the beginning of this passage, the argument assumes that *nomen imperatoris* is a mere term of honour, but at this point the term is seen as representing genuine power of government – four *augusti* therefore means four equal emperors.

sitio and the entire argument which Lactantius made Galerius offer, do not agree with our knowledge of the tetrarchy during Diocletian's reign and reveal the dialogue as a piece of historical fiction.⁸⁹

There is even more reason to be sceptical of the reliability of Lactantius' account when we compare it to a *panegyricus* which was given to Maximianus and Constantine in late 307. The speaker claimed that Maximianus did not abdicate because he had no respect for *res publica* or because he was eager to be rid of the responsibilities of government so that he could enjoy his retirement. He abdicated out of solidarity with Diocletian and in accordance with an agreement that they should abdicate simultaneously.⁹⁰ And Diocletian's reasons for abdicating were clearly age and ill health.⁹¹

The panegyrist's information must be correct. This is clear from the fact that at the time of his speech an actual rift had occurred between Galerius on one side and Maximianus and Constantine of the other. It was the panegyrist's intention to justify Maximianus' retention as *summus imperator*, in spite of his abdication, of the supreme power of government in the Empire – this was a clear rejection of Galerius' claims to the position of supreme Emperor. If Galerius had used threats of civil war to force Diocletian and Maximianus to abdicate, there is no reason why the panegyrist should not have mentioned this – it would have been a strong and most welcome argument in support of the view that Galerius had illegally grabbed the supreme Imperial power. The text states that Diocletian chose to abdicate of his own free will and persuaded Maximianus to do the same; this was an uncomfortable event for Maximianus, and its inclusion in the speech can

⁸⁹ For that reason it is odd that Lactantius' description is referred to as an accurate expression of the Diocletian tetrarchy. E. Kornemann regards it as “die beste Formulierung des diokletianischen Systems, insonderheit der Gehilfenstellung des Caesares” (*Doppeltprinzipat und Reichsteilung im Imperium Romanum*, 111 note 1). W. Seston shares this view, but his interpretation of Lactantius' “texte infiniment précieux” (see *Dioclétien*, 185-186) cannot be upheld as the text both in itself and in its context lacks any reference to the *principatus* that Diocletian was supposed to possess in contrast to the other emperors.

⁹⁰ Cf. *Paneg.* VI (307),9,2: *non quidem tu rei publicae negligentia aut laboris fuga aut desidia cupiditate ductus, sed consilii olim, ut res est, inter uos placiti constantia et pietate fraterna, ne, quem totius uitae summarumque rerum socium semper habuisses, in alicuius facti communitate desereres neue illius, uiderit quali, certe nouae laudi cederes.*

⁹¹ Cf. *Paneg.* VI (307),9,3: *Verum longe diuersa inter uos erat causa declinanti aut sustinendi laboris. Quamquam etiamsi totam excusationem aetatis adferres, sic quoque tibi rei publicae curis non erat abnuendum, and 5: Sed tamen utcumque fas fuerit eum principem, quem anni cogere aut ualitudo deficeret, receptui canere, te uero, in quo adhuc istae sunt integrae solidaeque uires ...*

only mean that it actually took place. Moreover, no other source even hints that Galerius forced Diocletian and Maximianus to abdicate.⁹² We are therefore justified in rejecting Lactantius' account as false.

Diocletian probably made his decision to abdicate while in Rome for his *vicennalia* in 303.⁹³ He must have discussed the matter with Maximianus who was also present at the festivities.⁹⁴ Their agreement to abdicate simultaneously was solemnly concluded in the temple of Jupiter Capitolinus⁹⁵ which clearly suggests that the decision was supposed to be seen as one backed by the founder of the *Jovian-Herculean* family. Although evidence suggests that the agreement was kept secret for a while, the decision was clearly not made in panic, even more so because Diocletian was not yet marked by his illness at the time. His decision to abdicate was no doubt inspired by his wish, in view of his age, to hand over the reins of government to younger men. But he probably also wanted to find a firm and lasting organization of the Imperial government while his health still permitted him to use his authority unopposed. This meant solving the problem of Imperial succession.

At any rate, Diocletian and Maximianus' decision to abdicate made the question of successors urgent. Again, Lactantius is alone in offering an explanation for the choice of Severus and Maximinus.⁹⁶ He took it for granted that the *caesares* would succeed the *augusti* after the abdication, so he concentrated on an account of the election of the two new *caesares*. Lactantius also assumed as natural that the election would follow joint discussions among the four members of the Imperial college.⁹⁷ But this procedure was rejected by Galerius, who argued that Maximianus and Constantius must of necessity approve his and Diocletian's joint decision. Diocletian took this statement to mean that Maximianus and Constantius sup-

⁹² According to *De mort.* XVII,1, Diocletian stayed in Rome in November 303 to celebrate his *vincennalia*.

⁹³ Even Eusebius sees the reason for Diocletian's abdication as mental disturbance resulting from a terrible illness, see *h. e.* VIII,13,11.

⁹⁴ *Paneg.* VI (307),8,8 clearly states that the two emperors celebrated *vicennalia* together. The inscriptions and coins that appeared on the occasion of the anniversary referred to *vota XXX*. Everyone expected a new long period in power for the emperors, so the decision to abdicate must have been made during the celebrations, cf. W. Ensslin in *RE* VII A col. 2489.

⁹⁵ Cf. *Paneg.* VII (310),15,6: *Hunc ergo illum [sc. Maximianum] qui ab eo [sc. Diocletiano] fuerat frater adscitus, pudit imitari, huic illum in Capitolini Iouis templo iurasse paenituit.*

⁹⁶ See *De mort.* XVIII,8-14.

⁹⁷ Cf. *cap.* XVIII,8: *Supererat ut communi consilio omnium Caesares legerentur.*

ported, as a matter of course, the election of their sons Maxentius and Constantine as the new *caesars*. But Galerius was violently opposed to this election. Maxentius must be rejected because even as a *priuatus* he had shown his contempt of Galerius – terrible things would happen if he was given *imperium*.⁹⁸ Diocletian strongly recommended Constantine, but again Galerius rejected him on the grounds that his election would make it impossible for Galerius to implement his wishes. He decreed that only candidates who respected him fully and abided by his wishes, should be considered for election.⁹⁹ This led to his proposal of Severus. Even though Diocletian mentioned that he was a known drunkard, he seems to have approved of the choice, when Galerius praised him as a good general – besides, arrangements had already been made for Maximianus to dress him in Imperial purple!¹⁰⁰ Maximinus was then proposed as the second *caesar*; Diocletian did not know him, but he found him, like Severus, unfit for the leadership of the Empire.¹⁰¹ But Galerius insisted that they be elected, and Diocletian gave in, while at the same time renouncing all responsibility for

⁹⁸ *Cap.* XVIII,9-10 includes a short characterization of Maxentius and Constantine respectively. This passage is an insertion, however, designed as a gloss to explain who is referred to in the words given to Diocletian without explanation in the immediately preceding passage: *Nam illorum filios nuncupari necesse est* (8). This is obviously an insertion because it departs from the dialogue structure of the rest of the chapter, and it introduces contradictions and imbalances. We may wonder, for example, why Diocletian could accept the election of Maxentius who is described as *homo perniciosae ac malae mentis, adeo superbus et contumax*, when later he rejected both Severus and Maximinus as unfit for *tutela rei publicae* – the central point of the account is lost if Diocletian is seen to accept a *tyrannus*. The characterization of Maxentius includes an account of his *superbia* and *contumacia* which made him refuse to provide *adoratio* to Maximianus and Galerius who, for that reason, cared little for him (*et idcirco utrique inuisus fuit*, 9), but the subsequent passage claiming that Galerius rejected him because he despised him: *Qui enim me priuatus contempsit quid faciet, cum imperium acceperit?* (11) provides a much weaker motive. Following the account of all Constantine’s excellent qualities, finally, Diocletian’s acceptance of his election appears as something of an anticlimax when he says that *amabilis est et ita imperaturus, ut patre suo melior et clementior iudicetur* (11). These inconsistencies must have been caused by the characterization of Maxentius and Constantine being introduced into an account based on clear and logically organized thinking. For the date of the insertion, see below *Appendix 1*.

⁹⁹ Cf. *cap.* XVIII,11: *Eos igitur oportet nuncupari qui sint in mea potestate, qui timeant, qui nihil faciant nisi meo iussu*.

¹⁰⁰ Cf. *cap.* XVIII,12: “*Dignus*” inquit “*quoniam militibus fideliter praefuit et eum misi ad Maximianum, ut ab eo induatur*”.

¹⁰¹ Cf. *cap.* XVIII,14: *Non idoneos mihi das quibus tutela rei publicae committi possit*. There are no concrete details of Diocletian’s criticism of Maximinus.

the catastrophes which, in his view, would befall the Roman Empire as a result.¹⁰²

This dialogue between Diocletian and Galerius of the election of new *caesares* also display features which suggest that we are looking at a piece of historical fiction. Even in the year 305 Diocletian's right to appoint new *caesares* was generally recognized,¹⁰³ so it seems odd that behind his back Galerius could order Maximianus to appoint Severus his *caesar*. Diocletian's ready assumption that Maxentius and Constantine were to become the new *caesares* probably means that he supported the principle of dynastic succession.¹⁰⁴ But the election of *caesares* in 293 marked a clear departure from this principle; personal qualities and achievements had determined the choice,¹⁰⁵ and as this view was still valid, it is hard to accept Diocletian as an advocate of the principle of dynastic succession.¹⁰⁶ It is rather surprising, too, that Galerius was blamed for maintaining as a criterion for the election of new *caesares* that they must show unqualified respect for and obey *summus imperator* – this was a basic demand which must be respected if *concordia augustorum et caesarum* was to be achieved.

But all difficulties posed by Lactantius' account vanish when we realize that cap. XVIII – with the exception of paragraphs 9-10 – is in fact a frag-

¹⁰² Cf. cap. XVIII,14-15: *Tu uideris, qui regimen imperii suscepturus es. Ego satis laboraui et produidi quemadmodum me imperante res publicastaret incolumis. Si quid accesserit aduersi, mea culpa non erit.*

¹⁰³ This appears from *De mort.* XIX,3-4. Having informed *contio militum* of his abdication, Diocletian appoints the new *caesares*, subject to the approval of the soldiers' council. But Galerius' conversation with Diocletian in cap. XVIII,8-15 also presupposes that Diocletian has sole authority in the election of *caesares*.

¹⁰⁴ This is the inescapable interpretation of *De mort.* XVIII,8, in which Diocletian states, *Nam illorum filios nuncupari necesse est*, the sons of Maximianus and Constantius being the prospective *caesares*.

¹⁰⁵ In 289, the rhetor Mamertinus speaks of the glorious day in Maximianus' presence *cum uos uideat Roma uictores et alacrem sub dextera filium, quem ad honestissimas artes omnibus ingenii bonis natum felix aliquis praeceptor exspectat, cui nullo labore constabit diuinam immortalemque progeniem ad studium laudis hortari* (*Paneg.* II (289),14,1). This can only mean that Maximianus' son Maxentius was the designated successor to the throne, cf. O. Seeck, *Untergang der antiken Welt* I, 456 f. – Diocletian had no sons himself. The appointment of Constantius and Galerius as *caesares* in 293 meant, however, that Maxentius was displaced, and the principle of hereditary succession was replaced by assessment of qualifications when emperors were appointed.

¹⁰⁶ Personal qualifications were demanded, as is clear from *De mort.* XVIII,14. The passage states that Diocletian refused to accept Maximinus as *caesar*, just because he was Galerius' *affinis*. He then phrased the demand that *caesares* should be *idonei* to be trusted with *tutela rei publicae*.

ment of a text of political polemics written in early 307.¹⁰⁷ Nevertheless, the account is of considerable interest to us, that shortly after Diocletian's abdication, a *dispositio Diocletiani* was regarded as natural, eternal, and unchangeable.¹⁰⁸ It is also clear that this creation included a fixed order of succession.¹⁰⁹ And finally, the legitimate Emperor must be elected according to Diocletian's *dispositio*. Seeing that everyone regarded this as a matter of course, we must assume that a carefully organized plan for government and succession was in existence at the time of Diocletian's abdication, and that this plan was binding for the successors. Furthermore, we seem justified in saying that the plan with its rules of succession was only worked out shortly before Diocletian's abdication.¹¹⁰ There is no doubt that Diocletian conceived and implemented this plan; this is clear just from the fact that the polemical text of 307 ascribed it to him. Moreover, he was the sole possessor of the power and authority necessary to ensure that the other Emperors respected the permanent validity of the plan.¹¹¹ Diocletian had always seen it as his duty to create a strong and stabile Imperial power, but in order to prevent any battles for the throne, which might jeopardize the peace and order of the Roman Empire, he also regarded a permanent solution to the problem of succession as vital.

¹⁰⁷ For more detailed explanation, see below *Appendix I*.

¹⁰⁸ Cf. *De mort.* XVIII,5, where Galerius says to Diocletian: *debere ipsius dispositionem in perpetuum conseruari*.

¹⁰⁹ This appears from *De mort.* XVIII,8. The passage takes for granted the succession of Constantius and Galerius to the vacant places as *augusti*, so the only issue needing to be settled concerns their successors as *caesares*.

¹¹⁰ In 293, when Galerius and Constantius became *caesares*, they had also been adopted by Diocletian and Maximianus respectively, and as their divine sons they were set to succeed them to the Imperial throne. This did not prevent Maxentius from becoming emperor, because in 293 he had probably become engaged to Galerius' daughter Valeria Camilla, cf. Groag in *RE* XIV, col. 2419 f – we do not know why the marriage was arranged. At the same time, Constantine must have become engaged to Maximianus' daughter Fausta – this happened while he was still *puer*, see *Paneg.* VI (307), 6,2. This seemed to solve the problem of succession, creating a dynasty of ruling *augusti* whose sons and their sons again could succeed them to the throne. The principle of hereditary succession appeared to have been established. Judging by *De mort.* XIX,1 and 4, that impression was prevalent in the army as well. For that reason the nomination of Severus and Maximinus came as such a surprise – they did not belong to the Imperial dynasty. Subsequent developments showed that their election also implied that qualifications rather than heritage would determine the appointment of new members to the Imperial college.

¹¹¹ This appears from the fact that Diocletian forced Maximianus to abdicate against his will, cf. *De mort.* XXVI,7.

The result of Diocletian's efforts was the *dispositio Diocletiani perpetua*.¹¹² It represents a continuation of the tetrarchy with two *augusti* and two *caesares*, the east and the west having an *augustus* and a *caesar* each. They formed a hierarchy determined by the time of their *dies imperii*.¹¹³ The senior member possessed *primi nominis titulus*.¹¹⁴ He was the holder of *principatus*,¹¹⁵ so he could also be called *maximus augustus*¹¹⁶ or *summus imperator*.¹¹⁷ As *auctor imperii*¹¹⁸ he had the right to appoint new *caesares*¹¹⁹ and consuls, just as he was in complete control of all legislation and had the absolute authority to make decisions in all important political matters. The other three members of the Imperial college were then supposed to implement the decisions made by the senior Emperor.¹²⁰ The *augustus* who came second in the Imperial hierarchy had no more power or authority within the government than the two *caesares*, but he was entitled to *principatus* in the case of the death or abdication of *maximus augustus*. His position as second *augustus* would then be filled by the *caesar* who had been in government the longer. New *caesares* would be appointed by the senior

¹¹² We do not know in detail how this *dispositio* was organized. From the sources relevant to the period 305-313 we can, however, deduce the essential features of the Diocletian government reform.

¹¹³ Cf. *De mort.* XXXII,3: *sese priorem esse debere, qui prior sumpserit purpuram.*

¹¹⁴ *De mort.* XLIV,11.

¹¹⁵ *De mort.* XX,4.

¹¹⁶ *De mort.* XLIV,12.

¹¹⁷ *Paneg.* VI (307),5,3.

¹¹⁸ *Paneg.* VI (307),3,2.

¹¹⁹ *De mort.* XX,4 and XXV,1-5 clearly show that *maximus augustus* possessed the right to appoint new *caesares*. Even though the account of Galerius' plans for the future is undoubtedly not historically correct, it still reveals the interesting point that he who possesses *principatus* has the right to appoint the new *caesares* before his abdication. The reason for this was no doubt the wish to follow Diocletian's example. So we have new evidence to show that Diocletian himself had appointed Severus and Maximinus as the new members of the Imperial college.

¹²⁰ Cf. *Paneg.* VI (307),14,1 gives an account that clearly identifies the task of the *summus imperator*: *Te, pater, ex ipso imperii uertice decet orbem prospicere communem caelestique nutu rebus humanis fata discernere, auspicia bellis gerendis dare, componendis pacibus leges imponere.* But the continuation specifies the responsibilities of the co-regent: *te, iuuenis, indefessum ire per limites qua Romanum barbaris gentibus instat imperium, frequentes ad socerum uictoriarum laureas mittere, praecepta petere, effecta rescribere (cap. 14,1).* One issues the orders, the other obeys them: that creates the *concordia* to create a strong Imperial power: *Ita eueniet ut et ambo consilium pectoris unius habeatis et uterque uires duorum (cap. 14,2).*

Emperor – probably after consultations with the other rulers.¹²¹ The choice was to be determined on the basis of personal qualities and achievements in both *militia* and *res publica*¹²² – the principle of qualifications was now fully confirmed.¹²³ The army would ratify the choice of *caesares* prior to their receiving *vestis purpurea* as the outward sign that they had been given a part in *imperium*. As a result of his appointment the new *caesar* was probably assigned to specific provinces in which he was responsible for the maintenance of peace and order and for the Imperial administration.¹²⁴

A new feature of *dispositio Diocletiani* was *seniores augusti*.¹²⁵ This was a title of honour granted to Diocletian and Maximianus after their abdication as a sign that they still belonged to the divine Imperial family and must be treated with honour and respect. *Seniores augusti* had renounced their *imperium* and as *privati* they neither could nor should they exercise any form of government.¹²⁶ But they seem to have functioned as a tribunal that would settle differences and disputes among the active rulers.¹²⁷ They may

¹²¹ Presumably this joint consultation of the emperors must be presumed in *De mort.* XVIII,8: *Supererat ut communi consilio omnium Caesares legerentur.*

¹²² It appears from *De mort.* XIX,6 that the new members of the Imperial college were required to possess knowledge of *militia* and *res publica*.

¹²³ *Paneg.* VI (307),5,3: *Siquidem ipsum imperium hoc fore pulchrius iudicabas, si id non hereditarium ex successione creuisses, sed uirtutibus tuis debitum a summo imperatore meruisses* shows that personal merit, not lineage, provided access to Imperial power.

¹²⁴ In essence, there was still no *partitio imperii* – we may reasonably deduct that from *Paneg.* VI (307),14,1-2. Several sources provide, however, lists of which areas were left to individual rulers after the abdication of Diocletian and Maximianus. The reason for this must be found in the peaceful and stable situation in the Roman Empire during the last years of Diocletian's reign. As a result, the areas for which individual emperors had special responsibilities became separate administrative units each with its own military structure and administration. In reality, the empire had been divided among the emperors.

¹²⁵ In his refusal to abdicate, Diocletian said to Galerius that it was indecent *si post tantam sublimis fastigii claritatem in humilis uitae tenebras decidisset* (*De mort.* XVIII,3). This is without foundation and merely confirms again the historical inaccuracy of the chapter.

¹²⁶ Upon abdication, *seniores augusti* relinquished *imperium* and enjoyed their *otium* as private citizens. This appears from *Paneg.* VI (307),9,2-3 and 5 and from *De mort.* XIX,5-6 which is correct in this respect.

¹²⁷ This must be the reason why Maximianus tried to make Diocletian intervene in his conflict with Galerius 306-7, see p. 106, and that Galerius appealed to Diocletian for help to reestablish *concordia augustorum et caesarum*, which led to the conference at Carnuntum, see pp. 116 ff.

even have been responsible for authorizing any change in and deviation from the fixed *dispositio Diocletiani* for these to be valid.¹²⁸

The claim that *dispositio Diocletiani* should be upheld for ever was based ultimately on its divine origin. A firmly organized tetrarchy with its order of succession represented no less than the ensurance of the continued existence of the Jovian and Herculean families. They formed a *domus sacra* which Jupiter and Hercules protected and to whom they had entrusted the rule of the Earth. Jovian and Herculean Emperors were the gods' elect; they were above men and must be the objects of *adoratio* as being a part of the world of the gods. The Imperial government was therefore divine. One result of this was the use of the epithets *Iouius* and *Herculius* not just by the emperors themselves, but also, as during Diocletian's own rule, in a number of contexts to emphasize the divine nature of Imperial decisions and actions.¹²⁹ In order to mark the divine origin of the tetrarchan Empire a specific liturgy had probably been devised, in addition to the *adoratio*, for use at the investiture of Imperial purple – it served as a signal that Jupiter and Hercules had chosen the new rulers, given them *imperium*, and granted them their *numen*, so that they could rule the Empire on their behalf. In general, the tetrarchan Empire reflected the celestial gods' care for the world and for humanity. Opponents of the Emperors were opponents of the Gods who had chosen them as their tools, and individuals who rejected the parent gods of the tetrarchy as false gods, perhaps fought actively against them, robbed the tetrarchy of its divine foundation and undermined the basis of existence for the Roman Empire.

When he abdicated Diocletian had instituted a firm and permanent plan for future Imperial governments. We also know that he had made Maximianus abdicate with him, even though he would have preferred to stay in power – the motive for this being, most probably, that Diocletian found him unsuitable to succeed him as *summus imperator*.¹³⁰ This is evidence of his wish to secure a strong and effective government after his abdication. Our analysis of Diocletian's own rule and the panegyrics have shown that

¹²⁸ This is probably the reason why Diocletian and Maximianus attended the dressing of Licinius in Imperial purple, see *De mort.* XXIX,2. This represented official acceptance of his election as *augustus* of the West, even though it disrupted the set order of succession.

¹²⁹ *Iouius* and *Herculius*, for example, were used as terms for the new legions and provinces established during the period 305-13 by those who felt obliged, just like Maximinus, by *dispositio Diocletiani*.

¹³⁰ This was Maximianus' wish, as is suggested by *Paneg.* VI (307), 9, 6: *Quid enim aliud participi maiestatis tuae [sc. Diocletiano] dare potuit ueniam quietis quam ut tu imperio succederes pro duobus?*

this required *concordia augustorum et caesarum* which meant that *summus imperator* must command respect and see to it that his wishes were obeyed by the other members of the Imperial college. Constantius' succession of Diocletian suggests, then, that he was capable of conducting an effective Imperial government – and that Galerius as second *augustus* accepted his authority. Diocletian must also have been eager to ensure that the new *caesares* were skilled in *militia* and *res publica*, but also that they would be loyal and obedient to their superiors.¹³¹

We have good reason to assume, therefore, that Diocletian appointed the new *caesares* himself in accordance with these criteria. He most probably asked the advice of Constantius and Galerius, as they would have to work with the new *caesares*.¹³² The unreliable nature of Lactantius' account makes it impossible to suggest any further motives for the choice of Severus and Maximinus. We can only say that their qualities and achievements must have been such that Diocletian found them worthy of being entrusted with *tutela rei publica*.¹³³

¹³¹ Even though *De mort.* XVIII cannot be used as a source for Diocletian's abdication, it does reveal the perception of Diocletian as a man who felt responsible for the election of *caesares* with the qualifications required for them to be entrusted with governing powers.

¹³² In spite of all distortions, we may deduce from *De mort.* XVIII that consultations took place between Diocletian and Galerius, but we know nothing about negotiations between Diocletian and Constantius, but we cannot therefore assume that none took place. The reality is that we have scant information of Constantius' position and importance within the Diocletian tetrarchy. The reason for this is the desire of the sources to distance him from the tetrarchy and its other rulers and to demonstrate that he pursued his own policies, also in matters of religion – he was, after all the father of Constantine, the man who ended the tetrarchy. We do have enough material, though, to indicate that in spite of all differences he was in fundamental agreement with Diocletian and his policies both in temperament and in the execution of Imperial laws. This is the only possible explanation why he became *caesar* in 293 and assumed *principatus* in 305. Finally, we must emphasize the point that only Lactantius claims that Galerius pushed the election of Severus and Maximinus in obvious defiance of Diocletian's wishes and without any consideration for Constantius, see *De mort.* XX, 1-2.

¹³³ Diocletian's ultimate right to decide on the election of the new *caesares* does not exclude the possibility that Galerius made his influence felt – he was *caesar* of the east and as such Diocletian's close associate for many years. The essential historical truth of *De mort.* XVIII presumably consists in Galerius' eager recommendation of Severus and Maximinus. One was his faithful army commander, the other his adopted son, and these relations could be used by his opponents to accuse him of serving his own interests.

4. Maximinus is proclaimed *caesar*

Lactantius' account of Maximinus' election as *caesar* gives an incorrect representation of the actual events, and Lactantius himself proves this in his description of the events of 1 May 305.¹³⁴ It is a brief account which includes only information that was of interest to Lactantius and this he even interprets to suit his own polemical aims.¹³⁵ Nevertheless, he includes many details, the historical accuracy of which can be verified from other sources.¹³⁶ These sources even allow us to supplement his account and construct a clear picture of the individual phases of the entire course of events.

Lactantius explains that a military parade ground was situated about three miles from Nicomedia.¹³⁷ It had a column with a statue of Jupiter¹³⁸ and in 293 it had been the scene of Galerius' proclamation as *caesar* and his inclusion in the Jovian Imperial family.¹³⁹ A *contio militum* had been ordered to appear here on 1 May. These troops comprised not only the local garrison but also officers chosen to represent the other legions.¹⁴⁰

¹³⁴ See *De mort.* XIX,1-6. For the accuracy of Lactantius' dating, see O. Seeck, *Untergang der antiken Welt* I, 464.

¹³⁵ In his account, Lactantius intended to show that Maximinus' proclamation as *caesar* was a farce because the army that was supposed to approve the election, was taken entirely by surprise: *Mirari omnes qui [sc. Maximinus] esset, unde esset. Nemo tamen reclamare ausus est cunctis insperatae nouitate rei turbatis* (*De mort.* XIX,4-5). The intention is to suggest that Maximinus would never have been elected by the army. They wanted Constantine, so Maximinus was never a legitimate emperor, cf. *cap.* XXV,2: *uniuersi milites, quibus inuitis ignoti Caesares erant facti.*

¹³⁶ This is true not least of Ammianus Marcellinus' *res gestae*. In his *Vom Herrscherideal in der Spätantike* (*Forschung zur Kirchen- und Geistesgeschichte* 18, 1939), Johannes Straub has established and analysed Ammianus' account of Imperial investitures and has provided additional perspective to Lactantius' description. In essence, Straub is right when he claims that "Der formale Rechtsgang, der sich aus der Darstellung Ammians ermitteln lässt, ist seit Diokletian nachweisbar in Geltung" (p. 20), but the events surrounding the abdication of Diocletian and Maximianus were still unusual – a condition that Straub did not emphasize in an appropriate fashion.

¹³⁷ See *De mort.* XIX,2. For details on Diocletian's efforts to make Nicomedia the new capital of the empire to be the equal of Rome in all respects, see *cap.* VII,9-10.

¹³⁸ Cf. *cap.* XIX,2: *ibi columna fuerat erecta cum Iouis signo*. This suggests that the events of 1 May took place in the sign of Jupiter and that therefore they were divine.

¹³⁹ Cf. *ibid.* : ... *in cuius summo Maximianus [Galerius] ipse purpuram sumpserat.*

¹⁴⁰ Cf. *cap.* XIX,1: *milites qui aderant et primores militum electi et acciti ex legionibus*. This, presumably, did not involve all the legions of the Roman Empire, but only those directly under Diocletian's and Galerius' command. Lactantius' words reveal considerable efforts to make this *contio militum* appear as representing the entire army. This was done to uphold the traditional right of the army to crown new emperors, but

A *podium* (tribunal) had been erected on the Jupiter square. Diocletian, Galerius, Maximinus and Constantine were present on the *podium*¹⁴¹ when Diocletian informed the army representatives that his ill health had made him decide to abdicate and appoint new *caesares*.¹⁴² His intention was to have the representatives approve the decisions he had made, because the army had the right to grant *imperium* and to withdraw it. Lactantius never states it in so many words, but his entire account suggests that the soldiers sanctioned Diocletian's abdication. A short mention of Maximianus' abdication in Milan on the same day appears in a panegyric and allows us to conclude that the soldiers' approbation was followed by a ceremony at which Diocletian solemnly returned to Jupiter the *imperium* that he had entrusted him with at an earlier date.¹⁴³ Diocletian was presumably declared *senior augustus* at the same time.

We do not know if a *nuncupatio* of Galerius took place followed by an *acclamatio* from the soldiers of Diocletian's successor as *augustus* of the east. But they probably formed part of the ceremony as a public announcement that Galerius' succession to the office of *augustus* took place in a legally and divinely binding form.¹⁴⁴ The procedure for appointing Maxi-

the wish to have all the armies represented probably reveals a desire to oppose the arbitrary nature of previous Imperial elections at which individual armies had proclaimed their own generals emperors without any consideration for the unity of the state. So we may well suspect Diocletian's hand behind this carefully organized *contio*. He wanted to control the role of the army in the appointment of emperors so that it could not threaten *dispositio Diocletiani* that was designed to ensure competent and stable government in the empire. If this is true, we have new evidence to suggest the degree to which Diocletian's abdication and the appointment of new *augusti* and *caesares* were carefully planned.

¹⁴¹ On Constantine, it merely states *in tribunali Constantinus adstabat susum* (*cap.* XIX,3). The context makes it clear, however, that the same applied to Galerius and Maximinus. Moreover, we may assume that the Imperial *consilium*, Diocletian's senior military and civilian officers, were represented there.

¹⁴² Cf. *cap.* XIX,3: *Contio militum convocatur, in qua incipit senex cum lacrimis, alloquitur milites: se invalidum esse, requiem post labores petere, imperium ualidioribus tradere, alios Caesares subrogare*. Diocletian's reasons for his abdication are identical to those given by Galerius in order to make him abdicate, see *cap.* XVIII,2.

¹⁴³ *Paneg.* VI (307),12,6 probably refers to an element in this abdication ceremony: *Quid enim putas tibi, Maximiane, Iouem ipsum respondisse, cum tu ingenti animo diceres: 'Recipe, Juppiter, quod Commodasti'?* This was relevant, even primarily relevant, to Diocletian, because the address was directed at Jupiter, his divine ancestor, not to Hercules, which would have been natural in the case of Maximianus.

¹⁴⁴ Galerius' involvement in the crowning of Maximinus as emperor appears most reasonable when seen under the assumption that he had been proclaimed *augustus* of the east in the first instance. This may be excluded from the account because Lactantius had

minus as *caesar* seems to have been this: Diocletian's final act as *auctor imperii* was to announce the successors to the vacancies in the Imperial college. This *pronuntiatio* may have been accompanied by his recommendation of the new candidates for their positions as *caesares*. At the same time Galerius – no doubt in his capacity of the new *augustus* of the east – took Maximinus by the hand and introduced him to the assembly of soldiers – this gesture probably served to emphasize Galerius' approval of the man who had been appointed as his *caesar*.¹⁴⁵ This double recommendation from Diocletian and Galerius must have been a proclamation both of the *concordia* of the Imperial college and of Maximinus' qualifications for the office of *caesar*. Diocletian's *pronuntiatio* and Galerius' *commendatio* were both greeted with *acclamatio* by the assembled soldiers.¹⁴⁶ The *nuncupatio* followed, the official appointment of Maximinus as *caesar*, and then the investiture proper. Diocletian and Galerius both took part even in this ceremony in order to express Imperial *concordia*. Galerius removed Maximinus' private clothes, and Diocletian dressed him in his own robes of Imperial purple.¹⁴⁷ This investiture was probably accompanied by Maximinus' inclusion in the Jovian Imperial family. He was given the epithet *Iouius* as an indication that Jupiter, the supreme god, had chosen him for *imperium*.¹⁴⁸

A very carefully devised ceremony was followed on Jupiter Square outside Nicomedia on 1 May. Diocletian's abdication, Galerius' succession to

no interest at all in saying that Galerius had been officially and in strictly valid legal terms proclaimed *augustus* in Diocletian's presence.

¹⁴⁵ Cf. *cap. XIX,4*: ... *cum in conspectu omnium Maximianus manum retrorsum extendens protraxit a tergo Daiam* ... J. Straub has pointed out that such an *apprehensio manus* formed part to the Imperial crowning “durch diese Geste bekundet der Auctor seine Bürgschaft für den Kandidaten, die er in der *Commendatio* näher begründet” (*Vom Herrscherideal in der Spätantike*, p. 219, note 111). According to Lactantius' account no *commendatio* took place – if it had, the soldiers present would not have reacted to Maximinus' bid by asking *qui esset, unde esset*. It is inconceivable, though, that no *commendatio* took place because this was a necessary precondition of the *acclamatio* of the army representatives.

¹⁴⁶ Cf. *cap. XIX,5*: *Nemo tamen reclamare ausus est*. Lactantius cannot deny that Maximinus was elected by acclamation from the soldiers, but he tries to belittle the significance of this by suggesting that they acted out of fear.

¹⁴⁷ Cf. *cap. XIX,4-5*: ... *et exutum uestem priuatam constituit* [sc. Maximianus] *in medium* ... *Huic purpuram Diocletianus iniecit suam qua se exuit*...

¹⁴⁸ Lactantius provides no comments to suggest such an “epiphany”. But it was part of the ritual of Imperial investiture, as we may deduce from *De mort.* LII,3: ... *Iouiorum et Herculiorum cognomina, quae primum a Dioclete ac Maximiano insolenter adsumpta ac postmodum ad successores eorum translata uiguerunt*.

the office of *augustus*, and Maximinus' proclamation as *Caesar* followed by his investiture were all conducted in ways which would ensure their legal validity and their divine nature. On the same day the ceremony was conducted in Milan, where Maximianus abdicated officially, proclaimed Constantius *augustus* of the west, announced Severus' appointment as his *caesar* and dressed him in Imperial purple.¹⁴⁹ The same ceremony was used in the east and west in order to avoid any arbitrariness, to render the acts legally binding and to demonstrate the tetrarchy as the legitimate Imperial power.¹⁵⁰ In so far as we have been able to reconstruct this ceremony, we can also say that it presupposes and is in complete agreement with the *dispositio* for the Imperial government which Diocletian had construed after his decision to abdicate. So the ceremony must have been devised at the same time.

Both *dispositio Diocletiani* and the accompanying ceremony, which was used for the first time on 1 May 305, were intended to secure a strong and competent Imperial power for the Roman Empire. This is further confirmation of the inaccuracy of Lactantius' account of Maximinus' election as *caesar* and of the claim that that his description of the events on Jupiter Square outside Nicomedia has been incorrectly construed.¹⁵¹ Maximinus'

¹⁴⁹ *Paneg.* VI (307),12,6 shows that Maximianus' abdication happened according to religious formalities similar to those, as suggested above, that occurred in Nicomedia. From *De mort.* XVIII,12, it appears that Maximianus dressed Severus in Imperial purple. In cap. XXVI,10, this is stated unequivocally: *Qui cum uideret futurum ut Maximiano traderetur, dedit se ipse uesteque purpuream eidem a quo acceperat, reddidit*, and from the analogy with events at Nicomedia it must be implied that he also conducted *pronuntiatio* and subsequent *commendatio*. We have no information to suggest that Constantius was present. Based on the Nicomedian analogy, we find it hard to accept that he was not officially proclaimed *augustus* of the west – having the highest seniority, he was even *maximus augustus* – and took part in the crowning of Severus as his new *caesar*. Lactantius' taciturnity in this respect no doubt also results from his wish to distance Constantius as much as possible from the Diocletian tetrarchy and its deeds. These event take place in Milan, as we may deduce from *Eutrop* IX,29 which states that Maximianus' abdication took place in that city. 1 May is the inevitable date, as was the case in Nicomedia: Maximianus had to abdicate on the same day as Diocletian, otherwise he would have become *summus imperator*. The same ceremonies had to be used in both places in order to demonstrate officially *concordia augustorum et caesarum*. *De mort.* XXX,6 states that he had celebrated his *vicennalia cum ingenti gloria*.

¹⁵⁰ Diocletian attached great importance to carefully designed ceremonies as a means of demonstrating to the public the divine nature of the empire. This was clear from an early point in his reign when he had produced a protocol of Imperial *adoratio* – the first evidence of this we find in *Paneg.* III (291),11.

¹⁵¹ As we have already suggested, Lactantius' account of the events in Nicomedia is designed to give readers the impression that the army – like Diocletian before them –

appointment as *caesar* represented no disregard for the wishes of Diocletian and the army. He was legally nominated by Diocletian, was recommended by Galerius in his capacity of new *augustus* of the east, and his election was ratified by the acclamation of the army. Diocletian's responsibility for the appointment of Maximinus found further manifestation in Diocletian dressing him in his own purple robe. And finally, when Maximinus was proclaimed an *Iouius* by the very man whose divine ancestor was Jupiter, then he had become a full member of the Jovian Imperial family in accordance with all legal requirements.

wanted Constantine as *caesar*. It seems plausible that as the son of an emperor, Constantine was better known in the army than was Maximinus, and expectations were that the principle of hereditary succession ensured that he was destined for Imperial power – in that context we may well assume that the soldiers wondered about Maximinus' nomination. If we can accept that as historically correct, it becomes a crucial condition that both Diocletian and Galerius – and with them presumably the Imperial *consilium* gathered at the tribunal – backed the election of Maximinus. Several details, moreover, reveal Lactantius' account as historically inaccurate in places. The insertion in *cap.* XX, 1 of the description of Constantine and the unanimous enthusiasm of the soldiers' representatives, appears so crude that it clearly is a note that must be ascribed solely to Lactantius. It is also strange to read that the entire *contio militum* were shocked by the nomination not just of Maximinus but also of Severus. The latter could not be described as *ignotus* to the soldiers, cf. *cap.* XXV,2, as he was one of Galerius' army commanders, cf. *cap.* XVIII,12. Their surprise can only make sense if the army had expected Maxentius, as an emperor's son, to have been nominated, but that is not the case.

Chapter II

MAXIMINUS AS CAESAR 305-311

1. Maximinus – a typical tyrannus.

In his capacity as *caesar* Maximinus was given Syria and Egypt as his particular area of responsibility.¹ Lactantius considered this the beginning of a horrifying regime of terror for the provinces and their people. In his view it was an inevitable consequence of appointing a semi-barbaric cow-herd without any knowledge of *militia* and *res publica caesar*;² the appointment reflected no concern for the well-being of the Empire. Lactantius had been keen to show that Diocletian's so-called reforms had in fact set the Roman Empire on a course of self-destruction.³ In his adopted brother Maximianus, Diocletian had found a man who was prepared to follow him in all respects,⁴ and this had doubled the effects of his harmful policy. But both men were dwarfed by Galerius, whom Diocletian had attached to himself as a son and a son-in-law – he was the wickedest man around.⁵ Maximinus belonged in this series of evil emperors, which was hardly surprising given that Diocletian and Galerius had been his teachers.⁶

¹ Cf Lactantius *De mort.*, cap. XIX,6: *accepit Orientem calcandum et conterendum*, and specified in XXXVI.3 as *Syria* and *Aegyptus*.

² Cf. cap. XIX,6.

³ See cap. VII,1-12.

⁴ Cf. cap. VIII,1: *Quid frater eius Maximianus, qui est dictus Herculus? Non dissimilis ab eo: nec enim possent in amicitiam tam fidelem cohærere, nisi esset in utroque mens una, eadem cogitatio, par uoluntas, æqua sententia*. Here Lactantius describes accurately the characteristics of *amicitia fidelis* which determined *concordia augustorum*. For details for Lactantius' assessment of Maximianus' government, see cap. VIII,2-6.

⁵ Cf. cap. IX,1: *Alter uero Maximianus, quem sibi generum Diocletianus ascuerat, non his duobus tantum quos tempora nostra senserunt, sed omnibus qui fuerunt malis peior*.

⁶ Cf. cap. XXXVI,3: *In ceteris quoque magistris sui similis*. We find this reading in *Codex Colbertinus*, the only manuscript of *De mort.*, which was followed in S. Brandt's critical edition of *De mort.* in *Corpus Scriptorum Ecclesiasticorum Latinorum XXVII* and in J. Moreau's critical edition. If we retain this reading it follows naturally from cap. XVIII to think of Galerius. In Lactantius, however, the continuation reads: *Nam si quid reliqui uel Diocles uel Maximianus reliquerant ...*, so only Diocletian and Galerius can be intended as Maximinus' tutors: he followed them in their heathen superstitions, and he also continued their policy of tax extortion. Therefore the original reading must have been: *In ceteris quoque magistris suis similis*. The *Colbertinus* text must be the result of an error; an inattentive scribe must have missed an *s* from his original thus changing an original plural to a singular.

Even though Lactantius' account includes Maximinus and his rule only after the report of Galerius' death, Lactantius intended his account as a characterization of Maximinus' entire time in office. We learn, for example, that Maximinus maintained all heathen traditions of sacrifice very carefully, and he demanded that his court do the same;⁷ in fact, the entire population were expected to offer sacrifices to the gods.⁸ He imposed taxes and collected them with such ruthlessness that the population was stripped of everything.⁹ This policy of extortion resulted in a scarcity of supplies followed by famine and high prices.¹⁰ At the same time his rule was marked by random and excessive consumption. He showered money and gifts on his supporters, his soldiers and even on the barbarians.¹¹ Confiscations happened daily.¹²

Corrumpendi cupiditas was a dominant feature of Maximinus' personality.¹³ In his *barbara libido* he assaulted every beautiful woman he could lay his hands on – wives and virgins alike.¹⁴ He even had designs on the empress Valeria, Galerius' widow and his own mother by adoption.¹⁵ During his rule *pudicitia* seems to have constituted *maiestatis crimen*.¹⁶ He permitted his supporters to behave in exactly the same way.¹⁷

He had a bodyguard of barbarians who pillaged the east with him and his faithful halberdiers.¹⁸ He behaved scandalously towards the other emperors. Although Galerius was the supreme emperor and the one to whom he owed everything, Maximinus displayed *contumacia* towards him by acting in wilful disrespect of his commands.¹⁹ He behaved as a usurper by demanding *primi nominis titulus*.²⁰ He had entered into a treaty of friendship with Licinius, but this did not stop him in his *perfidia*²¹ from closing an agreement with the usurper Maxentius in Rome and starting a war against Licinius in order to eliminate him so that he could turn against Constantine

⁷ See *cap.* XXXVII,1-2.

⁸ See *cap.* XXXVI,4-5.

⁹ See *cap.* XXXVII,3-4.

¹⁰ See *cap.* XXXVII,4.

¹¹ See *cap.* XXXVII,5.

¹² See *cap.* XXXVII,6.

¹³ See *cap.* XXXVIII,1.

¹⁴ See *cap.* XXXVIII,2-4.

¹⁵ See *cap.* XXXIX,1-3.

¹⁶ See *cap.* XXXVIII,2.

¹⁷ See *cap.* XXXVIII,5.

¹⁸ See *cap.* XXXVIII,6-7.

¹⁹ See *cap.* XXXII,4-5.

²⁰ See *cap.* XLIV,11.

²¹ See *cap.* XLIII,2-3 and XLIV,10.

with double force.²² When he suffered defeat against Licinius and saw no possibility of escape, he decided to take his own life.²³ His sad end was merely the fully deserved punishment for a man who was a *tyrannus* in all respects.²⁴

Eusebius disagrees with Lactantius at a few points in his account of Maximinus and his rule, but no basic difference exists between the two historians. To Eusebius Maximinus is simply the tyrant of the east²⁵ – he uses the term tyrant and its derivatives time and time again.²⁶ Maximinus was excessively superstitious.²⁷ He worshipped heathen gods with assiduity and never acted without consulting augurs and oracles.²⁸ He worked hard for the reestablishment of heathen cults.²⁹ He wished to be surrounded only by people who shared his heathen conviction.³⁰ In return he showered them with proconsulships and excessive privileges.³¹ He raised the money for this by demanding money and land from people, by levying large taxes and by fines as well as extensive confiscation.³²

Maximinus appears in Eusebius' account as a man who hated virtue and pursued all good people.³³ His drunkenness and reckless living were unparalleled.³⁴ He seduced wives and virgins wherever the opportunity arose.³⁵ He weakened the army by permitting it to live in luxury and moral laxity.³⁶ Governors and senior military officers had permission to rob and pursue their private gains with the population in any way they liked.³⁷

²² See *cap.* XLV,2 and XLVI,12.

²³ See *cap.* XLIX,2.

²⁴ See *cap.* XLIX,1-7. In *cap.* XLVII,4 Maximinus is described as a general who deserted his soldiers in order to save his own skin: *ademerat enim pudorum deserendi desertor imperator.*

²⁵ See *h.e.* VIII,14,7 and IX,9,1.

²⁶ See *h.e.* VIII, 13,15; IX,2,1; 4,2; 7,16; 8,2; 10,12 and 11,7.

²⁷ Cf. *h.e.* IX,4,3: ἡ ἔκτοπος τοῦ κρατοῦντος δεισιδαιμονία.

²⁸ See *h.e.* VIII,14, 8-9.

²⁹ See *h.e.* VIII, 14, 9.

³⁰ See *h.e.* VIII,14,8 and IX,4,3.

³¹ See *h.e.* VIII,14,9 and IX,4,3.

³² See *h.e.* VIII,14,10.

³³ See *h.e.* IX,2,1.

³⁴ See *h.e.* VIII,14,11.

³⁵ See *h.e.* VIII,14,12-16.

³⁶ See *h.e.* VIII,14,11.

³⁷ See *ibid.*

Maximinus was completely incapable of managing the power that he had been entrusted with.³⁸ But he still called himself supreme emperor, in disrespect of his fellow emperors who were his superiors in every sense of the word.³⁹ He concluded a treaty of friendship with Maxentius, the tyrant of the west,⁴⁰ and violated the treaty that he had with Licinius by starting a war against him.⁴¹ He fully deserved his defeat and, subsequent to his painful death, being declared *hostis rei publicae* and publicly branded as a *tyrannus*, the natural consequence of which was *memoria damnata*.⁴²

The victorious emperors Constantine and Licinius had engineered the destruction of Maximinus' reputation, and they were remarkably successful. *Damnatio memoriae* was so effective that the only sources that pay any detailed attention to Maximinus do so with the obvious purpose of demonstrating that he was indeed a *hostis rei publicae*, possessing all the qualities characteristic of a *tyrannus*. Lactantius' and Eusebius' accounts of Maximinus could really be considered model tyrants' portraits – the accounts include all the features characteristic of a tyrant's life and work!

The point has already been made that this fact in particular makes it absolutely essential to approach Lactantius' and Eusebius' accounts and assessment of Maximinus and his rule with the greatest scepticism and critical attention – all the more so because not only do the two authors reflect the official attitude towards Maximinus after his death, they also pursue a specific end. They are both keen to demonstrate that an enemy of the Christian God is by definition a tyrant whose evil intentions suppress and destroy the population. As a clear consequence of this, both authors express the conviction that the *salus* of the Empire depends entirely on the worship of the Christian God. An enemy of the true Church must therefore necessarily lead the Roman Empire into despair and destruction.⁴³ Lactantius and Eusebius concur in their evidence to mark Maximinus as an *aduersarius dei*⁴⁴ and a θεόμαχος par excellence,⁴⁵ and consequently he must be regarded as a tyrant in the extreme. Thus the negative assessment

³⁸ See *h.e.* IX,10,1.

³⁹ See *ibid.*

⁴⁰ See *h.e.* VIII,14,7.

⁴¹ See *h.e.* IX,10,2.

⁴² See *h.e.* IX,11,2.

⁴³ For Lactantius' understanding, see *De mort.* I,2-3, and for Eusebius' understanding, see *h.e.* 13,9-10 and 14,18.

⁴⁴ *De mort.* XLII, 1.

⁴⁵ *h.e.* IX,10,14. Eusebius sees Maximinus as the worst of all the persecutors of the Christians, see. *lib.* VIII,14,9 and IX,1,1.

of Maximinus' policy forms a necessary part of these Christian authors' condemnation of him.

This realization of the important priorities in Lactantius' and Eusebius' accounts of Maximinus and his rule must influence our approach to the texts and lead to the exclusion of all information typical of a traditional characterization of a tyrant. This information must be rejected with a *non liquet*, even though we must then accept that we know considerably less than Lactantius and Eusebius pretend to know in their accounts.

We must not, however, jump to the conclusion that the accounts are without any foundation on reality. Their frame of reference is a Christian model of a tyrant which determines the criteria for inclusion of information and, to some extent, also for its interpretation. But the texts are not all pure fiction! They have used material which they themselves have seen or heard or that they have become acquainted with in some other way. Neither had an interest in providing his readers with falsified accounts which could not live up to the standards of historical accuracy that they obviously claimed for their own texts.⁴⁶ Nevertheless, much of their material must, as the result of a critical assessment, be regarded as unfounded rumour and gossip which seemed useful to them as illustration of their idea of Maximinus as a perfect example of a tyrant and a blasphemer. Much of their information, however, is doubtlessly of historical value. Often, they even include material which makes it possible to criticize their own claims and assessments – sometimes it even suggests the correct sequence of events, particularly when seen in relation to information available elsewhere!

2. Army and border defence

Eusebius included parts of a reply which Maximinus sent to the town of Tyros in 312, in response to their request for permission to remove all Christians from their city.⁴⁷ The emperor emphasized the need to practice the worship due to the immortal gods.⁴⁸ This was the only way to ensure that the land survived, that the fields yielded crops, and that wars and even

⁴⁶ Both Lactantius and Eusebius wanted to use the historical material to justify their belief that worship of the Christian god was essential to happiness and prosperity for the individual as well as for society, see *De mort.* I,8 and LII,1 and *h.e.* VIII *init.*

⁴⁷ See *h.e.* IX,7,3-14.

⁴⁸ See *cap.* 7,7.

more horrible occurrences could be avoided.⁴⁹ It must be obvious to the citizens of Tyros that an unbreakable link existed between worship of the gods and their loving care for mankind.⁵⁰ As a direct result of Maximinus' paganism fields and meadows sprouted, peace prevailed⁵¹ and there had been no outbreak of the plague.⁵²

Maximinus' use of this list as a powerful argument must presuppose that people in his provinces must have experienced peace and order and prosperity. Eusebius confirms this assumption. He does reject, quite firmly, the contents of Maximinus' reply, but it was not his intention to deny the absence of famine, the plague, and war in the provinces during Maximinus' rule. He was determined to demonstrate, however, that these auspicious conditions of earthly life must not be seen as a result of Maximinus' zeal on behalf of the immortal gods and the consequent fight against the Christians.⁵³ Therefore Eusebius rushed to record that famine, pestilence, and war had broken out all at the same time as soon as Maximinus had issued to all towns ordinances that repeated in essence the contents of his reply to Tyros.⁵⁴ This is in fact Eusebius' confirmation of Maximinus' own account of the peace and prosperity which the area under his control enjoyed, at least until 312 AD. If conditions had not been positive Eusebius would have used this fact to repudiate Maximinus' dangerous and tantalizing claim that only worship of the heathen deities would ensure the *salus* of the Empire. We may safely assume, therefore, that as *caesar* Maximinus had managed to secure the borders and maintain peace and order in his provinces.

According to Lactantius, as we mentioned above, Maximinus possessed a large army that he showered with gifts and money.⁵⁵ Eusebius for his part felt the need to emphasize the point that Maximinus had weakened his

⁴⁹ See *cap.* 7,8.

⁵⁰ Eusebius uses the expression: ἡ φιλαγάθος τῶν θεῶν σπουδή (*ibid.*).

⁵¹ See *cap.* 7,10-11.

⁵² The extant sections of the rescript do not in fact mention the last point in Maximinus' list, but Eusebius' list of the contents of the rescript in *h.e.* IX,8,3 shows that it was included.

⁵³ Cf. *h.e.* IX,8,3: ... τῆς τοῦ τυράννου θρασύτητος τὴν κατὰ τοῦ θεοῦ μεγαλαυχίαν διήλεγξεν, ὅτι δὴ τῆς περὶ τὰ εἰδῶλα αὐτοῦ σπουδῆς καὶ τῆς καθ' ἡμῶν ἕνεκα πολιορκίας μὴ λιμὸν μηδὲ λοιμὸν μηδὲ μὴν πόλεμον ἐπὶ τῶν αὐτοῦ συμβῆναι καιρῶν ἐθρασύνετο.

⁵⁴ See *h.e.* IX,8,1-13.

⁵⁵ *De mort.* XXXVII,5: *Et effundebat passim sine delectu, sine modo, cum satellites uniuersos, quorum numerus ingens erat, pretiosis uestibus et aureis nummis expungeret, gregariis et tironibus argentum daret, barbaros omni genere largitionis honoraret.*

army because he had allowed it to lead a life of luxury and no discipline.⁵⁶ So, they seem to agree that by spoiling his troops Maximinus had neglected to create a tough army, fit for fight.

This view, however, proves untenable. Lactantius' and Eusebius' criticism may simply be based on the fact that Maximinus had taken care to build up, through good pay an army of contented and loyal soldiers.⁵⁷ He just acted as any responsible Roman emperor would! And his efforts proved successful.⁵⁸ The degree of attachment that the army and its officers felt in relation to Maximinus manifested itself in the fact that they proclaimed him augustus in 310.⁵⁹ Their discipline and toughness became obvious when Maximinus dared submit his soldiers to extreme hardship when he led them by forced marches from Syria across the Anatolian plains to the Bosphorus during the hard winter of 313 AD.⁶⁰ In spite of the forced marches the army was still considered a highly effective force that Licinius feared as his potential vanquisher.⁶¹ The claim seems justified, then, that Maximinus controlled a strong and well trimmed army on which he could rely completely.⁶²

Lactantius had blamed Diocletian and his three fellow emperors for an entirely unnecessary multiplication of forces that resulted from the division of the Empire.⁶³ Lactantius had the correct facts. The armed forces had

⁵⁶ Cf. *h.e.* VIII, 14, 11: ... θρύπτεσθαι μὲν τὸ στρατιωτικὸν διὰ πάσης τρυφῆς τε καὶ ἀκολασίας ἐνάγων ...

⁵⁷ Maximinus trusted the effects of a generous salary policy to the extent that he believed that he could win over Licinius' soldiers by his extravagance, see *De mort.* XLVI,12.

⁵⁸ A decree dated 9 June 311 has been engraved onto the so-called table of Brigetio. It mentioned tax privileges for both active soldiers and veterans, and to the extent that it can be ascribed to Maximinus, it provides us with excellent evidence of his constant efforts at *militum nostrorum commoda atque utilitates* because the Roman Empire lived or died with their work, see also below chapter IV at note 45.

⁵⁹ See *De mort.* XXXII,5.

⁶⁰ See *De mort.* XLV,3.

⁶¹ See *De mort.* XLV,7.

⁶² See *De mort.* XLVII,12 and *h.e.* IX,10,4. The speculations ascribed to Maximianus in *De mort.* XXVII,1 also show that Maximinus' army was a force to be reckoned with. Lactantius' and Eusebius' negative assessment most likely rests only on the fact that Maximinus was definitely defeated in battle by Licinius.

⁶³ Cf. *De mort.* VII,2: *Tres enim participes regni sui fecit in quattuor partes orbe diviso et multiplicatis exercitibus, cum singuli eorum longe maiorem numerum militum haberet contenderent, quam priores principes habuerant, cum soli rem publicam gererent.*

increased significantly in number,⁶⁴ but this was not, as he suggested, another result of the many *scelera* and *mala* that Diocletian was supposed to have ingeniously contrived.⁶⁵ The military situation had dictated the change. Nor was Lactantius entirely wrong when he discussed Diocletian's *infinita quaedem cupiditas aedificandi* that demanded considerable requisitioning of men and supplies in all provinces.⁶⁶ But the example that he gave of Diocletian's construction activities – the building of an arms factory⁶⁷ – indicated that his account of conditions was inaccurate in this respect, too. The constructions that Diocletian initiated were determined primarily by Imperial defence needs.

Diocletian had reorganized the border defence in the provinces that were later to fall within Maximinus' area of authority. Having put down a revolt in Egypt in 296 AD,⁶⁸ Diocletian established the *limes Aegypti* and increased the number of legions from one to, probably, five.⁶⁹ In order to be able to meet any future Persian attack and to stop the Saracens from conducting raids from the Arabian desert into Roman territory, Diocletian began, immediately after the peace of Nisibis in 298 AD,⁷⁰ the construction

⁶⁴ In 280 there were 39 legions, but in 305 the number had grown to 80. Individual legions had, however, been reduced in number, so the infantry had in all increased by a third. The cavalry, on the other hand, had doubled because of its great strategic significance.

⁶⁵ See *De mort.* VII,1.

⁶⁶ See *cap.* VII,8.

⁶⁷ *cap.* VII,9: *hic armorum fabrica.*

⁶⁸ For details on this uprising and its background, see W. Ensslin, *Zur Ostpolitik des Kaisers Diokletian (Sitzungsberichte der Bayrischen Akademie der Wissenschaften 1942. Cit. Ostpolitik Diokletians)*, 40 ff, and W. Seston, *Dioclétien*, 136 ff.

⁶⁹ See Denis von Berchem, *L'armée de Dioclétien et la réforme constantinienne (Institut Français d'Archéologie de Beyrouth LVI, 1952. Cit. L'armée de Dioclétien)*, 60f. The southern borders of Egypt had been threatened by the Blemmyes, a desert tribe that had made frequent raids into the cultivated land. Diocletian had left the defence of the southern borders to the Nobades, another desert tribe, in return for a yearly tribute. They managed to keep the Blemmyes at bay so that their raids stopped and the southern borders remained intact.

⁷⁰ For details on the Persian campaign and the peace process, see W. Ensslin, *Ostpolitik Diokletians*, 58 ff and W. Seston, *Dioclétien*, 164 ff. Following the peace with the Persian king Narseh, Diocletian could include the upper part of Mesopotamia in the Roman Empire. Moreover, he could install Tiridates III and Mirkan as kings of Armenia and Iberia respectively. Because of these vassal states the Romans now controlled the entire area from Upper Mesopotamia to the Caucasus and they could stop all cooperation between the Persians and the barbaric tribes in southern Russia.

of a *limes* stretching from the Gulf of Acaba in the south across Upper Mesopotamia to the Black Sea in the north.⁷¹

This *limes* was more in the nature of a wide defence system than an actual line of border defence. It comprised a front line of fortresses (*castella*) linked by a network of roads. These border fortresses were placed at points in the landscape that offered natural defence potentials, and they were manned by *limitanei* who combined farming with their military service. These farmer soldiers were organized in *alae* and *cohortes* and it was their job to weaken an enemy attack and delay the enemy's progress. Behind the front line, cavalry (*equites*) and infantry (*legiones*) forces were stationed in strategically situated towns; they were supposed to stop invading forces and in general safeguard the border provinces. Finally, far behind the border areas, a mobile army, *comitatus*, had been organized for deployment wherever the border defence was about to break down; the army was supposed in particular to trap and destroy enemy forces.⁷² This defence system and the concomitant strategy had no doubt been devised by Diocletian who demanded its establishment throughout the Empire.⁷³ This shows the uniformity that characterized military installations everywhere.

In the east alone, this new defence system was of such a length, demanded the construction of so many fortresses and the establishment of such a widespread network of roads that it must have taken a number of years to complete – work did not begin until shortly before the year 300 AD. In other words, Maximinus must have continued the plans that Diocletian had initiated.⁷⁴

⁷¹ For details on the precise placement of this *limes*, see W. Ensslin, *Ostpolitik Diokletians*, 78 f. and D. von Berchem, *L'armée de Dioclétien*, 21 f.

⁷² D. von Berchem has argued that Constantine was the first to set up a mobile field army, *comitatus*, see *L'armée de Dioclétien*, 106 ff. J. Moreau refers to solid sources to demonstrate that a *sacer comitatus* existed already under the tetrarchy, see *Zur spätrömischen Heeresreform in Scripta Minora* (1964), 42 ff. An additional argument comes from the fact that a mobile army such as the *comitatus* that could be dispatched quickly to border areas under threat, was a necessary part of the Diocletian strategy of defence.

⁷³ Cf. W. Seston, *Dioclétien*, 297 f. and D. von Berchem, *L'armée de Dioclétien*, 70.

⁷⁴ Therefore the East Roman historian Malalas is not entirely correct in saying: Ἐκτισε δὲ καὶ εἰς τὰ λίματα κάστρα ὁ αὐτὸς Διοκλητιανὸς ἀπὸ τῆς Αἰγυπτου ἕως τῶν Περσικῶν ὄρων, τάξας ἐν αὐτοῖς στρατιώτας λιμιτανέους, προχειρισάμενος καὶ δοῦκας κατὰ ἐπαρχίαν ἐνδοτέρω τῶν κάστρων καθέζεσται μετὰ πολλῆς βοηθείας πρὸς παραφυλακὴν καὶ ἀνήνεγκαν τῷ βασιλεῖ καὶ τῷ Καίσαρι στήλας ἐν τῷ λιμιτῷ τῆς Συρίας (*Ioannis Malalas, Chronographia XII. Corpus Scriptorum Historiae Byzantinae*, ed. B.G. Niebuhr (Bona 1831), 308, 18-22). Diocletian can only have planned and

A receipt for a sack of chaff for fuel delivered to the *castra Dionysiadis* has been preserved on an ostrakon.⁷⁵ It says ἐν κάστροις ἀνοικοδομημένοις ἐν κώμῃ Διονυσιάδι. This is indeed ambiguous. Are we to take the verb to mean build up or rebuild, restore? But no matter which meaning we decide to accept, the statement suggests nothing concerning the time of this. The phrase used in the receipt must presumably indicate a construction that has just been concluded. It must have been an edifice of considerable size to warrant this type of wording. It seems reasonable, therefore, to translate it as “the newly completed *castra* in the village of Dionysias”. The date of the ostrakon ἰδ (ἔτους) καὶ β (ἔτους), μετορῆ ἐπαγ(ομένων) β, refers to Galerius’ 14th and Severus’ second year in office, in other words, between 1 January 306 and 1 January 307. Thus we seem justified in stating that this *castra* was completed some time in the year 306 under Maximinus.⁷⁶ Whether he actually instigated its construction cannot be decided with any degree of certainty. Excavations have shown that the *castra* was

maybe begun the creation of the new *limes* – its completion was reserved for his successors.

⁷⁵ O. Fay. 21 (Grenfell – Hunt – Hogarth, *Fayum Towns and the Papyri* (1900), 325).

⁷⁶ Not so Jacques Schwartz who claims: “l’expression employée peut s’appliquer à un passé récent” (*Quasr-Qarum/Dionysias 1950. Fouilles franco-suissees. Rapports* II (1969), 2 n. 1). He also refers to two inscriptions respectively from Quantara (near the eastern bank of the Suez Canal), a place that guards the road to Egypt from Syria: CIL III, 13578 (suppl. 2, p. 2219) and from Deir-el Gebrawi (on the eastern bank of the Suez Canal between Manfalout and Assiout): CIL III 22 and suppl. 1, 6626 (p. 1208) = Dessau 217, which celebrates almost verbatim the establishment of a fort: *providentia suae maiestatis extructa dedicaverunt* – here were stationed *ala I Thracum Mauretana* and *cohors I Augusta praetoriana Lusitanorum* respectively. Both date from 288, and Schwartz concludes that *castra Dionysiadis* must have been constructed at the same time: “mais qu’il en soit, les *castra* existaient déjà en 306 p.C. et étaient dus à la refonte (?) de l’armée romaine d’Egypte sous Dioclétien” (p. 2). An additional argument points out that this *castra* shows the same characteristic basic design as a number of *castra* and *castella* in Latin North Africa, Syria, and Retia some of which such as *centenarium “Aqua Viva”* and Qasr Bser on the river Thebes can be dated with certainty to about 300: “C’est sous Dioclétien que ce type ‘château fort’ semble avoir, d’une façon générale, éliminé le type ‘camp’” (*op.cit.* I, 71). In itself, however, this argument merely shows that *castra Dionysiadis* follows the same basic structure that characterized a large number of the forts that Diocletian initiated in order to strengthen *limes* in the various parts of the Roman Empire. V. Martin makes a similar point: “the *castra* of Dionysias were under construction or recently finished in 306 A.D. and consequently belong to the same general scheme of defence of the border” (V. Martin in *The Abinnaeus Archive. Papers of a Roman Officer in the Reign of Constantius II*. Collected and re-edited by H.J. Bell, V. Martin, E.G. Turner, D. van Berchem (1962), 21).

quite comprehensive,⁷⁷ but they also show that the construction was completed speedily.⁷⁸ It seems most reasonable to assume that the construction of this *castra* may well have lasted for such a considerable length of time that it could have been started during Diocletian's reign. With all due reservation, we can still say that Maximinus followed Diocletian's lead and completed the work that he had begun.

An additional reason to suggest that the *castra* was not completed till 306 AD may be found in the fact that "un atelier pour couler du bronze" was founded at the beginning of the fourth century.⁷⁹ Moreover, many stamps (*moules*) have been recovered for the striking of coins for Maximinus, Licinius, and Constantine, but none for Diocletian.⁸⁰ We must conclude that the mint was set up by Maximinus. We may further assume that it happened in connection with the completion of the *castra* and the stationing of the *ala V praelectorum*.⁸¹

D. van Berchem has claimed that *alae* and *cohortes* were not army troops, but constituted a police force that was supposed to secure peace and order and to protect and assist local civil administrations in the reception and distribution of *annona militaris*.⁸² Extant letters from Abinnaeus, who was *praepositus castrorum Dionysiadis* from 346 to 351 AD, show that *ala V praelectorum* performed such tasks.

But the question remains if the establishment of this *castella* had no other objective. It constituted the westernmost strongpoint in Egypt, so it is reasonable to assume that it was meant primarily to prevent the desert tribes of the west from pushing their way into Egypt. This aim was soon fulfilled, and the fortress lost its primary military importance; therefore the garrison and its commander were given ever more civil duties to perform.⁸³

⁷⁷ The excavation revealed that the *castra* had a size of ca. 83 × ca. 70 meter with a high of at least seven meter and a thickness of the wall of ca. 3,80 meter; see J. Schwartz – H. Wild: *Qasr-Qarum/Dionysias 1948*. Fouilles franco-suissees, *Rapports I* (1950) pp. 64 ff.

⁷⁸ Cf. V. Martin, *op. cit.*, 21: "the signs of haste noticeable in the structure discovered at Dionysias: absence of symmetry and parallelism in the construction, recourse on a large scale to materials already used and taken ready-made from elsewhere".

⁷⁹ See J. Schwartz, *op.cit.* II, 103.

⁸⁰ See I, 40 ff. and II, 104 f.

⁸¹ This military unit appears for the first time in *P. Abinn.* 59, dated 2 February 345, just as noted in *Notitia dignitatum*.

⁸² See *L'armée de Dioclétien*, 69-70 and *The Abinnaeus Archive*, 16-17.

⁸³ Originally the *castra* in Dionysias served a primary military purpose, and that is also clear from the construction itself. It contains no store rooms for *annona militaris*. V. Martin follows van Berchem in his belief "that these fortresses had no military or defensive role," and so he wonders "what necessity was served by so considerable a

As regards the increase in troops, the relative strength of various branches of the armed forces and their deployment, we know almost nothing.⁸⁴ We may assume, though, that even in this Maximinus followed in Diocletian's steps, seeing that Diocletian's defence system demanded a particular strategy which then required specific strength. The border fortresses, for example, were manned by *limitanei*, whose numbers could be increased only as the *limes* were extended in the Orient as well as in Egypt.⁸⁵ Maximinus also kept a *comitatus*. It was probably stationed in Antioch, his preferred fixed quarters – because of the excellent strategic location of the town the *comitatus* could be swiftly despatched to threatened sections of the eastern *limes*. Lactantius' account of the speed with which Maximinus marched his army from Syria into Bithynia when he learnt of Licinius' marriage to Constantine's sister Constantia in Milan,⁸⁶ leaves no doubt that this was the mobile and ever ready army stationed in Antioch – the speed with which Maximinus reacted left him no time to gather troops from the border defence before moving up through Asia Minor.

Although we have no way of assessing the deployment of individual army units and their strength,⁸⁷ we can conclude that Maximinus managed

military structure as the fortress of Dionysias with its walls more than 3 metres thick. There was not even in it a room adapted to serve as store-house for the grain and the other commodities of the *annona*, as might have been expected. Such a stronghold for a company of policemen and tax-gatherers appears out of all proportion to its real purpose. The explanation may be that, as often happens in strongly centralized and autocratic regimes, the bureaux close to the sovereign had decided once for all on a certain type of fortress, the mechanical production of which was then imposed in all parts of the realm regardless of local needs and conditions. This would explain why the same kind of buildings as the *castra* found at Dionysias appear in regions distant from Egypt, where their presence is better justified" (*The Abinnaeus Archive*, 21).

⁸⁴ Lactantius also reports as follows: *Nam fere nullus stipator in latere ei [sc. Maximinus] nisi ex gente eorum qui a Gothis tempore uicennalium terris suis pulsati Maximiano se tradiderant malo generis humani, at illi barbarorum seruitutem fugientes in Romanos dominarentur* (*De mort.* XXXVIII,6). Maximinus was supposed to have had a life guard consisting of Sarmatians and Carpians who had fled from the Visigoths and settled on Roman territory, cf. J. Moreau, *Commentaire*, 411 f. The historical fact, presumably, was that Maximinus used Sarmatian and Carpians soldiers some of whom were admitted into the royal life guard.

⁸⁵ The completion of the *castra* in Dionysias thus probably led to the deployment of a new unit of troops, *Ala V Praelectorum*, cf. D. von Berchem, *L'armée de Dioclétien*, 66.

⁸⁶ See *De mort.* XLV,2.

⁸⁷ It is difficult to decide if the military arrangements *in partibus orientis*, as described in *Notitia dignitatum cap.* XXII-XXVIII, can be traced back to Diocletian, cf. W. Ensslin, *Ostpolitik Diokletians*, 65-66. Because of the scarcity of sources, it is even more difficult to determine Maximinus' contributions to the military defence in the

to continue to secure peace at the borders – the objective of Diocletian’s defence policy. Maximinus must have extended the border defence so that its strength deterred all aggressors. The Saracens of the Arabian desert and the Blemmyes of southern Egypt refrained from attacks,⁸⁸ and even the Persians, the arch enemy to the east of the Roman Empire, felt no temptation to seek revenge for the defeat of 298.⁸⁹ The borders of Egypt and the eastern front were peaceful, because Maximinus was faithful to Diocletian’s principles of defence policy and strategy: he extended the *limes* and provided the necessary troops suitably equipped with arms and other supplies.

3. Administration and tax policy

We have seen that in spite of Lactantius’ and Eusebius’ hostile attitude their accounts in fact reveal that Maximinus was a capable ruler. Lactantius in particular also show, rather more indirectly, that as regards the nature of his rule Maximinus had Diocletian and Galerius as his tutors, too. Consequently we should be justified in seeing him as a ruler who completely accepted Diocletian’s policies and his extensive reforms. As we shall see there is plenty of evidence to prove that this was the case with respect to his religious policy. We have every reason to assume that this was also true of his military, administrative, and economic reforms, but very little information is available to substantiate this assumption.

This state of affairs, of course, has to do with the fact that Maximinus was subjected to *damnatio memoriae*. But a contributory reason can no

East. We do well, though, to bear in mind that much of what is ascribed to Diocletian was in fact carried out by his successors. They built on the foundations laid by him.

⁸⁸ Maximinus probably continued to pay the annual tribute to the nomads in return for their keeping the Blemmyes at bay. This may have been the reason for Lactantius’ comment on Maximinus: *barbaros omni genere largitionis honoraret* (*De mort.* XXXVII,5). It may also mean that Lactantius expressed his sense of outrage that Maximinus gave large gifts to non-Roman rulers in order to maintain good relations with them.

⁸⁹ The Persian Empire had been further weakened by internal disputes following Narseh’s death in 302, but the strong Roman border defence had contributed to the peace that lasted till 337 on the eastern front, cf. W. Ensslin, *Ostpolitik Diokletians*, 54, who focuses exclusively on Diocletian’s significance and ignores the contributions of his successors, *in casu* Maximinus.

doubt be found in the fact that scholars who have studied the history of the tetrarchy seem to have neglected almost completely the question to what extent Galerius, Maximinus, and Licinius too for that matter, continued Diocletian's reforms. Diocletian has attracted almost all attention, and subsequent rulers up to the time of Constantine have been all more or less neglected. This narrowing of the perspective is obviously unacceptable. We must assume, a priori, that it took time to implement Diocletian's reforms. Bearing in mind the overwhelming tasks that Diocletian and his fellow rulers faced, we may safely suggest that all reforms were not instigated with equal energy – local conditions were, of course, contributory factors. Therefore we must say that the work begun during Diocletian's rule was continued by his successors, and we must drastically increase our awareness of the work done by these people. We must make the basic and general point that much of the work ascribed to Diocletian may in fact be due to his successors.

Having said this we now turn to the question whether other sources exist, apart from the material that we can glean from Lactantius and Eusebius, to throw light on Maximinus' activities as a ruler. However, the result of such an inquiry is frankly poor. Only the Egyptian papyri seem to contain information that is relevant also to Maximinus.⁹⁰

As we know, modern research on papyri has made significant contributions to our knowledge of Imperial Egypt at the time of Diocletian. A much more reliable and detailed account can now be given of events in Egypt in the 290s and of Diocletian's reforms.⁹¹ His military and administrative reorganization can no longer be seen as a result of L. Domitius Domitianus' revolt; nevertheless, this was a serious upheaval that probably involved all

⁹⁰ Cf. Alan K. Bowman, *Papyri and Roman Imperial History, 1960-75* (J.R.S. 66(1976), 153-73).

⁹¹ The papyrological evidence, then, makes it likely that L. Domitius Domitianus' revolt occurred in 297/98, not in 296/97, see J.D. Thomas, *The Date of the Revolt of L. Domitius Domitianus* (*Zeitschrift für Papyrologie und Epigraphik* 22 (1976), 253-79), and *A Family Dispute from Karanis and the Revolt of Domitius Domitianus* (vol. 24, 233-40). It is also clear from the published papyri that the Diocletian reforms did not primarily result from the suppression of Domitius Domitianus' revolt, but were begun maybe as early as 287, see Alan K. Bowman, "Some Aspects of the Reform of Diocletian in Egypt" (*Münchener Beiträge zur Papyrusforschung und antiken Rechtsgeschichte* 66 (1974), 43 ff). The establishment of the new province Thebais was completed even in 295. It undoubtedly happened after the suppression of the first revolt which had its centre in Koptos in Thebes in the early 290s – and it also meant that Diocletian moved the borders of Roman Egypt up to the first cataract, as Philae a little south of Elephantine became the southernmost military camp.

of Egypt,⁹² and it lent additional momentum to the reforms in order to prevent a repetition by integrating Egypt into the Roman Empire.⁹³

In the revolt of 296 L. Domitius Domitianus, as the *praefectus Aegypti*, had had himself proclaimed emperor. When Diocletian had quelled the revolt, he immediately took a number of precautions to prevent future usurpations – Egypt is, in fact, a perfect example of the conditions that inspired his administrative reforms. In order to reduce the power previously invested in the Egyptian prefect, the area under his administration was divided into four equal provinces: *provincia Aegypti* (Nether Egypt), *provincia Thebae* (Upper Egypt) and *Libya Superior* and *Libya Inferior*.⁹⁴ Together with Kyrenaika, which had been separated from Crete, these provinces constituted the *dioecesis Oriens*,⁹⁵ which was under the direct control of the central Imperial administration. A position was created, possibly in connection with this new division of provinces in Egypt, as *dux Aegypti et Thebaidos utrarumque Libyarum*. The command of all armed forces in the four provinces was assigned to this position, so that the governors had limited opportunity to use the soldiers in any attempt to seize power.⁹⁶ In 296 AD. at the latest Diocletian revoked the right of Egypt to an independent mone-

⁹² See J.D. Thomas, *The Date of the Revolt*, 297. The same understanding informs Eutropius' statement: *Victoria acerbe usus est [Diocletianus]; totam Aegyptum gravi-bus proscriptionibus caedibusque foedavit* (*Breviarium* 9, 23).

⁹³ D. van Berchem states that one of the consequences of the revolt was efforts in subsequent years to bring together civilian and military power in one and the same hand, see his *L'occupation militaire de la Haute-Égypte sous Dioclétien* (*Roman Frontier Studies* 1967, (1971), 123 ff). Eutropius leaves no doubt that the revolt inspired Diocletian's reform efforts: *ea tamen occasione ordinavit provide multa et disposuit, quae ad nostram aetatem manent* (*Breviarium* 9, 23). In the light of the most recent papyrus studies this statement cannot be accepted, but Eutropius seems to reproduce an established tradition, so the suppression of the revolt meant that renewed and more vigorous reforms were launched in order to integrate Egypt into the Roman Empire.

⁹⁴ Cf. J. Lallemand, *L'administration civile de l'Égypte* (1964. Short title in later references: *L'administration civile*), 38f and 42ff.

⁹⁵ It must have been established no later than 298, because we probably have evidence for that year which shows the existence of a *vicarius praefecti praetorio* for *dioecesis Oriens*, see J. Lallemand, *L'administration civile*, 236f.

⁹⁶ This title, though, appears for the first time in an inscription from Luxor from the year 308 (see *L'Année Epigraphique* 1934, nos. 7 and 8). In fact, then, Maximinus could well have established this office and thus introduced a clear separation of civilian and military power in Egypt. But that was Diocletian's specific aim when he limited the military authority of the *praefectus Aegypti*, so it would be natural to date the establishment of this military ducat as occurring in Diocletian's own reign, and then most likely immediately after 297.

tary system and introduced the Imperial mint, and this too must presumably be seen as part of the attempts to break the relative independence enjoyed by Egypt until then and to integrate the country into the Empire.⁹⁷ This was the best safeguard against any policy of independence.

Diocletian's administrative policy in Egypt was continued by Maximinus. He further divided the province of *Aegyptus* into *Aegyptus Iouia* and *Aegyptus Herculia*, each with its own governor (*praeses*).⁹⁸ He probably wished to create smaller administrative units in this densely populated area in order to provide for more efficiency. Maximinus may not have established the military ducat for the Egyptian provinces himself, but he certainly maintained it thus emphasizing his position, which was identical to that of Diocletian, that the distribution of military and civil duties on different groups of civil servants was a means of restricting their power and strengthening the central Imperial government.

Diocletian had attempted to help the cities regain their former position of importance in the Roman Empire.⁹⁹ The Egyptian material may show that Maximinus continued his policy in this respect too. He completed the consolidation in Egypt, a process that was probably begun by Septimius Severus who had granted the right to elect a council to the *metropolises* in the *nomes* into which Egypt was divided. This right was of limited importance because the nome itself was under the control of the Imperially appointed στρατηγός¹⁰⁰ and thus lay without the jurisdiction of the new town councils. Slowly, however, the councils of the *metropolises* extended their influence into the surrounding rural districts. This development was stopped by Maximinus in 307-08.¹⁰¹ The old division of *nomes* was abolished and each nome was incorporated into the territory of a metropolis, which then

⁹⁷ Cf. J. Lallemand, *L'administration civile*, 35f.

⁹⁸ On the basis of extant papyri, J. Lallemand has shown most convincingly that *Aegyptus Iouia* and *Aegyptus Herculia* occurred some time between 312 and 315, see "La Création des Provinces d'Egypte *Iouia* et d'Egypte *Herculia*" in *Bulletin de l'Académie Royale de Belgique* XXXVI (1950), 387ff. She is also correct in claiming that it must have happened while Maximinus was still in power, see p. 392f. In addition to the arguments given there, *De mort.* LII, 3 clearly shows that when Maximinus died, *Iouiorum et Herculiorum cognomina* fell out of use. However, J. Lallemand's explanation why in 312 or early 313 Maximinus named the new provinces *Iouia* and *Herculia* has no tenable basis.

⁹⁹ For this, see C.E. van Sickle, "Diocletian and the Decline of the Roman Municipalities" in *Journal of Roman Studies* XXVIII (1938), 9ff.

¹⁰⁰ Cf. P. Jouguet, *La vie municipale dans l'Égypte romaine* (1911), Vf and J. Lallemand, *L'administration civile*, 96f.

¹⁰¹ For this, see especially J. Lallemand, *L'administration civile*, 96f., 126 and 131ff.

became a full *civitas*, identical to the same administrative unit in the rest of the Roman Empire. Smaller subdivisions of a nome, *toparchies*, were converted into *pagi*. This change meant that tasks traditionally performed by the imperially elected στρατηγός were transferred to the town councils and their civil servants – a new position as *praepositus pagi* was even created.

In 1934 A.E.R. Boak published a papyrus (P.Cair.Isidor 125), which can be precisely dated 6 August 308 and which mentions *praepositus pagi* for the first time.¹⁰² Bearing in mind that extant papyri from the time immediately after 6 August 308 presuppose the division of *nomes* into *pagi*, and that the old term *toparchy* does not appear after 307,¹⁰³ we seem justified in concluding that the *pagus* division was introduced in 307-08.¹⁰⁴ This structure, in which each *pagus* was headed by a *praepositus*, was, however, just one element of a comprehensive administrative reform which replaced the old *nomes* including their metropolis and toparchies with *civitates* and changed toparchies into *pagi* which became a part of the territorium of the towns. A new organization of the Imperial civil servants, of the *boule* of the towns and their respective tasks and duties must have been a part of this reform,¹⁰⁵ just as the Latin titles for all offices.¹⁰⁶ U. Wilcken believes that "wir hier stehen vor einer der folgenschwersten Umwälzungen, die die Verwaltung Ägyptens je erfahren hat" and that only from this point on may we reasonably use the term "Dekurionatsverfassung" or "Munizipalisierung Ägyptens".¹⁰⁷ Wilcken continues: "Es ist die Frage weiter zu prüfen, und nicht zu Beginn des IV Jahrh. zur Zeit des

¹⁰² "The Date of the Establishment of the Office of the *Praepositus Pagi* in Egypt" (*Memoires publiées par les Membres de l'Institut Francais d'Archeologie Orientale du Caire* 67, *Mélanges Maspero IX, Orient, Grec, Romain et Byzantin* II, 1934-51, 124-129) (= *The Archive of Aurelius Isidorus* (P. Cair Isidor.) ed. Arthur E.R. Boak & Herbert Chayyim Youttie, 1960, 393).

¹⁰³ See L. Mitteis & U. Wilcken, *Grundzüge und Chrestomatie der Papyruskunde* II (1912), 63.

¹⁰⁴ See U. Wilcken, *op.cit.* I, 76 and its reference to Matthias Gelzer, *Studien zur byzantinischen Verwaltung Ägyptens* (1909), 57. Both studies place the introduction of the *pagus* structure in the period 307-310, but P.Cair Isidor 125 allows us to narrow the period to 307-8.

¹⁰⁵ στρατηγός, for example, becomes *exactor*, the superior of *prepositus pagi*. His duties were redefined, however, as they do not entirely coincide with the old 'strategy', cf. M. Gelzer, *op.cit.* 51f.

¹⁰⁶ See A.H.M. Jones, *The Cities of the Eastern Provinces* (2nd revised edition, 1971), 490, note 52 for a precise indication of the time when the old titles vanish from the papyri and the new Latin titles first appear.

¹⁰⁷ *op.cit.* 78f.

Maximin, durch einen einheitlichen Akt die römische Munizipalordnung in Ägypten eingeführt ist. Diese Hypothese wurde am besten, wie mir scheint, die Tatbestände erklären. Vor allem würde die Einführung der pagi mit ihren Praepositi mit einem Schlage klar. Auch der Romanismus, der uns vom IV. Jahrh. an, im besonderen auch im Titelwesen der städtischen Verwaltung entgegentritt, würde sie hiernach von selbst verstehen".¹⁰⁸

New investigations have confirmed Wilcken's suggestions that several elements of this supposedly new arrangement date back to the 290s.¹⁰⁹ With this modification, however, we are justified in assuming that various attempts at administrative reform in Egypt were coordinated by Maximinus in a comprehensive arrangement which signals the final "municipalization of Egypt".¹¹⁰

Quite apart from the practical effects of the arrangement,¹¹¹ it also represents a characteristic feature of Diocletian's reforms. Egypt, which was in many ways quite an independent area, must be reorganized in a Roman mould¹¹² to make it easier to integrate into a tightly organized Empire that afforded the Emperor a chance to ensure unity and stability. The most important point in this context, however, is the fact that this is clear evidence of Maximinus' continuation of the administrative reforms that Diocletian began in Egypt. The sources do not allow us to distinguish clearly between elements in the final "municipalisation of Egypt" due to Maximinus himself and those that date back to Diocletian. But this fact is, perhaps, not entirely coincidental; it is a result of the fact that Maximinus continued and completed the work begun by Diocletian. Seeing that "the municipalisation of Egypt" must have required a comprehensive and demanding effort to implement the new organization, we may perhaps also take this as evidence that Maximinus had at his disposal capable senior provincial administrators who could see this job through.

¹⁰⁸ p. 79. Earlier, M. Gelzer had expressed a similar assumption, see *op.cit.* 52.

¹⁰⁹ See A.H.M. Jones, *op.cit.* 489, note 50.

¹¹⁰ A.H.M. Jones seems to share this understanding: "Clearly there was a period of piecemeal development, completed when the *exactor* and *praepositi pagi* had been installed". Alan K. Bowman, "The Town Councils of Roman Egypt (*American Studies in Papyrologi* IX (1971)) discusses the question under "the reform of Diocletian" pp. 123-27, cf. Index, but he omits all mentions of Maximinus.

¹¹¹ To a very considerable extent, this was a codification of existing practices, as demonstrated by Alan K. Bowman in the study mentioned in the previous note.

¹¹² Under Diocletian, dates given in relation to consuls replace previous dates given with reference to Egyptian kings, see U. Wilcken, *op.cit.* LIX and p. 68.

The information available to us on Maximinus' administrative reforms in Egypt is scarce and incoherent. Nevertheless it is sufficient to show that he consciously based his work on that begun by Diocletian. We may also note that he seems to have felt himself under obligation to the Latin *romanitas* as the essence of the unity of the Roman Empire. His wish to integrate municipal government into the administration controlled by the centralized Imperial government, is a characteristic feature of his policy. He was convinced that the Imperial power was of divine origin and hence autonomous, and yet it seemed important to him to include the citizens in fruitful collaboration to ensure the salvation and security of the Empire. This was certainly a clearly fundamental feature of his Imperial government when he later attempted to involve the town councils in active collaboration with the Imperial government to fight the church and Christianity.¹¹³

In addition to *timiditas*, Lactantius identified *avaritia* as a driving force behind Diocletian's destructive policies.¹¹⁴ Taxes were a clear example of this.¹¹⁵ According to Lactantius, ever increasing taxes were levied on the population, and the extortion was ruthlessly carried out by the civil servants. The peasants could no longer shoulder the burden – they fled from their land, which led to declining production and diminishing tax revenues. Lactantius was in no doubt that this desperate situation was the result of the imbalance between a vast number of soldiers and civil servants in the Imperial service and a smaller number of tax payers who had to provide the money for their salaries. Diocletian's *insatiabilis avaritia* added to the desperation; he kept increasing his wealth to fill his coffers.

Diocletian was wicked, but Galerius exceeded him – to Lactantius he was simply the worst of all emperors.¹¹⁶ As *dementissimus tyrannus*,¹¹⁷ he won the prize for systematizing the tax extortion! He brought disaster and grief to the Empire when he organized a *census* in all provinces and towns.¹¹⁸ It included a survey of all arable land with clear identification of

¹¹³ For more details, see below this chapter at note 250, chapter IV at note 123, 144 and 179.

¹¹⁴ Cf. *De mort.* VII,2: *Hic orbem terrae simul et avaritia et timiditate subuertit.*

¹¹⁵ See *cap.* VII,3-5.

¹¹⁶ Cf. *De mort.* IX,1: *Alter uero Maximianus, quem sibi generum Diocletianus asciverat, non his duobus, tantum quos tempora nostra senserunt, sed omnibus qui fuerunt, malis peior.*

¹¹⁷ *cap.* XXXI,5.

¹¹⁸ See *cap.* XXIII,1-8. It does not appear directly from Lactantius when Galerius had announced his decision to conduct this *census*. It must have happened, though, after

all crops and the exact number of all men and animals. Lactantius gives a graphic description of this *census*; it was done with such brutality that the surveyors even used torture to make sure that no one shirked his duty to register. A new team of *censitores* was even sent out to check that everything had been included in the survey.¹¹⁹ Once completed and adjusted, the *census* was then made the basis of the tax assessment, which just led to an even more consistent extortion of the population.

Though Galerius had drained the provinces in this way, it did not stop him, according to Lactantius, from collecting new taxes to finance the festivities that were to mark his approaching *vicennalia*.¹²⁰ The taxes were collected with such brutal efficiency that nothing at all was left for the peasants! Galerius clearly attempted to collect all the wealth that he could find in his provinces!¹²¹

To Lactantius it was clear that Maximinus had also learnt his tax policies from Diocletian and Galerius. What they had left behind, he robbed and divested the people of!¹²² After Lactantius' graphic description of Diocletian's and Galerius' extortion of the provinces, little imagination was required to realize how Maximinus had followed in their steps! Specifically, though, his readers learn only that private granaries and stores were confiscated and that taxes payable the following year were prematurely collected.¹²³ Eusebius agrees with Lactantius also in his assessment of

Galerius had become *maximus augustus* following Constantius' death on 25 July 306 and before Maxentius' coup d'état in Rome on 28 October 306, because the conduct of the planned *census* in Rome was one of the reasons why the city revolted, cf. *cap.* XXVI,2.

¹¹⁹ Technically, they were not really *censitores*; they were probably *peraequatores* who were charged with the task of controlling the work done by the *censitores*.

¹²⁰ See *cap.* XXXI,2-5.

¹²¹ Cf. *cap.* XXXI,6: *Quis ergo non bonis suis euersus est, ut opes, quae sub imperio eius fuerunt, conraderentur ad uotum, quod non erat celebraturus?* Galerius died in early May 311, the year before his *vicennalia* was to have taken place.

¹²² Cf. *cap.* XXXVII,3: *Nam si quid reliqui uel Diocles uel Maximianus reliquerant, hic abrasit sine ullo pudore auferens omnia.*

¹²³ Cf. *cap.* XXXVII,4: *Itaque horrea priuatorum claudebantur, apothecae obsignabantur, debita in futuros annos exigebantur.* Famine (*fames*) and rising costs of living (*caritas*) resulted from Maximinus' policy of extortion. However, this description appears only after Lactantius' mention of *Constantini litterae*, which seems to indicate that it refers to events which had happened in late 312 at the earliest. It is even likely that Lactantius describes the same famine and scarcity which Eusebius claimed occurred in the winter of 312-13, see *h.e.* IX,8,1 and 5-11. However, there is that very significant difference between them that Eusebius describes the situation as the consequence of a drought, but Lactantius saw it as a result of Maximinus' ruthless tax extor-

Maximinus' tax politics; he states that Maximinus tormented and extorted his provinces completely by taxing and collecting gold, silver and numerous types of goods.¹²⁴

In their descriptions Lactantius and Eusebius have merely cast Maximinus in the mould of a typical tyrant who overtaxed the people in his care. This alone makes it important to maintain a sceptical attitude to the historical accuracy of this information. Admittedly, that leaves us with little material on which to base a historically well-founded account of Maximinus' tax policy. Nevertheless, it is not entirely impossible to develop a more accurate understanding than that provided by Lactantius and Eusebius.

We need to remind ourselves that Lactantius' description of Diocletian's and Galerius' tax policies is quite insufficient. He is correct in claiming that they levied heavy and burdensome taxes. But the administration that he describes as tax extortion was just a tight policy designed to provide the financial means needed to complete the military and administrative reforms that were to ensure the reestablishment of the Empire. Lactantius' accusation of personal avarice against Diocletian is probably just an evil-minded interpretation of his attempts to create a surplus in the Imperial budget and some capital reserves.¹²⁵ Nor is Lactantius correct when he gives an impression of quite arbitrary extortion and plunder of the population.¹²⁶ Even though he describes the execution of the *census* ordered by Galerius in clearly defamatory terms – this is effectively emphasized by the ironic-satirical form – it is nevertheless clear that it was conducted in a

tion. It should be obvious that Eusebius has the correct explanation. That means, then, that in the passage mentioned above Lactantius refers to a specific situation in the winter of 312-13 in which a drought had created scarcity of food, and that made it difficult to levy taxes and duties which in turn probably made the authorities behave brutally in an attempt to collect. This extraordinary situation cannot, therefore, serve as a basis for a general characterization of Maximinus' tax policies in the way that Lactantius suggests.

¹²⁴ See *h.e.* VIII,14,10.

¹²⁵ This is no doubt the historical truth behind the passage: *Idem insatiabili auaritia thesaurus numquam minui volebat, sed semper extraordinarias opes ac largitiones congerebat, ut ea quae recondebat, integra atque inuiolata seruaret* (*De mort.* VII,5).

¹²⁶ Lactantius described the tax policies of the tetrarchy as the product of malice and pleasurable destruction. Using his *census*, then Galerius wanted *orbem terrae deuorare* (*De mort.* XXVI,2). It was a *publica calamitas* (*cap.* XXIII,1), and the despatch of *censores* was the equivalent of a hostile attack designed to suppress the Roman population. In fact, Galerius' *census* was merely an act of retaliation against the Romans in return for Emperor Trajan's behaviour towards his own barbarian ancestors from Dacia, cf. *cap.* XXIII,5.

well-organized fashion. Lactantius correctly states that the aim was to provide money for the government, but he has no wish to inform his readers that this carefully conducted *census* was motivated also by a wish to create the basis for a more just and equitable distribution of the tax burden.

The establishment of a new municipal order was clearly linked with a wish to improve the collection of taxes; the *civitates* had been given the task of making sure, in collaboration with the Imperial civil servants, that the demands and requirements of the central administration were met.¹²⁷ Given that the completion of the municipal reform was due to Maximinus' personal initiative – it was, after all, a specifically Egyptian problem – then it is in itself a sign that he intended to create an efficient tax system. But apart from this rather general point we may ask if more specific statements can be made regarding Maximinus' tax policies. Again, it would be natural to look initially to the quite comprehensive Egyptian material.¹²⁸

An edict (διάταγμα) still exists dated 16 March 297 from Aristius Optatus, *praefectus Aegypti*,¹²⁹ to the magistrates and the presidents of the city councils, together with a copy of an Imperial edict and an attached *brevis* ordering the general publication of the edict.¹³⁰ The originals have been lost but the introductory comments from the prefect make it clear that this was a tax reform designed to remove the existing injustice, i.e. an uneven distribution of burdens, by offering τύπον σωτήριον καθ' ὃν δέοι τὰς εἰ[σφο]ράς γίνεσθαι κατηξιώσαν (to issue a salutary rule to which the taxes would have to conform),¹³¹ with the specifically stated expectation that the inhabitants of the provinces would then pay the justly assessed dues without objections. "The salutary rule" decreed that taxes must be assessed for every *aroura* according to its quality and for every member of the rural population within a specific age group.

¹²⁷ For this, cf. U. Wilcken, *Grundzüge* I, 214, 224-25.

¹²⁸ It is not my intention to review this difficult and still quite obscure problem regarding the Diocletian tax reform and its consequences. I only want to point out elements that can throw a positive or negative light on Maximinus and his fiscal policy. But on this point, too, we must accept that the experts have done nothing to ease the task for the non-papyrologist because they have given no attention whatsoever to this issue. My comments above may, if nothing else, serve as an encouragement to the specialist to submit the problem sketched here to careful analysis.

¹²⁹ For the Greek text, see A.E.R. Boak, *Early Byzantine Papyri from the Cairo Museum*, no. 1. See also A. Déléage, *La capitation du Bas-Empire* (1945), 43ff and W. Seston, *Dioclétien*, 283ff.

¹³⁰ P.Cair, Isidor, I.

¹³¹ I,26,7-8

Even though Aritius Optatus' edict could leave the impression that the Imperial edict affected the inhabitants of all the provinces of the Empire, the arrangement in fact applied only to Egypt.¹³² Here, then, the tax base did not consist of the new unit of assessment *iugum*, which combined *iugatio* and *capitatio* and which had previously been introduced by Diocletian. The existing *aroura* and *capitatio* were in fact maintained as two separate categories. The edict did not require the adoption of a new unit of computation; it demanded a new assessment of both *aroura* and *capitatio* according to the principles specified, apparently, in *brevis*.¹³³ The *aroura* was promptly reassessed the following year on the basis of an Imperial edict.¹³⁴ Inhabitants submitted individual declarations on their land and its quality, and inspectors appointed specifically for this purpose¹³⁵ conducted careful checks on the declarations. The information provided in this way then formed the basis of taxation.

A large number of declarations of land, dating back to 298, is still extant, but only two declarations of persons, dated 14 June 309 and 27 February 310 respectively,¹³⁶ are known to us. This has been taken as evidence that no personal *census* was conducted until this later time, meaning that the *census* demanded by the Imperial edict in 297 had not been conducted immediately.¹³⁷ However, a fair distribution of tax burdens must presuppose revision of both the land census and the personal census – and this work must surely have been done simultaneously during the years after 298. The two extant declarations of persons state that they were made in response to an Imperial edict,¹³⁸ but this must be interpreted to mean that

¹³² The Imperial edict must have been issued shortly before 16 March 297 during Diocletian's stay in Egypt occasioned by the campaign to suppress L. Domitus Domitianus' revolt probably caused among other reasons by an unjust tax system, cf. *The Archive*, 24.

¹³³ The edict should probably be seen as an element, albeit an important element, in the reform of the Egyptian tax system begun already in 297, cf. Allan K. Bowman, *The Bulletin of the American Society of Papyrologists* XV (1978), 34, 38 ("The Military Occupation of Upper Egypt in the Reign of Diocletian").

¹³⁴ This is clear from P. Cair. Isid., 2 ll. 6-9 (1 December 298). The edict itself was issued in 297 and demanded a *census* for the entire Empire, see W. Seston, *op.cit.* 284ff.

¹³⁵ Cf. A. Déleage, *op.cit.* 48ff, J. Lallemand, *op.cit.* 174ff.

¹³⁶ P. Cair, Isidor. 8 (309) and P. Strassb. 42 (= U. Wilcken, *Chrest. I*, 210 (310)).

¹³⁷ Cf. J. Lallemand, *op.cit.*, 172 note 4.

¹³⁸ In P. Cair. Isidor. 8 the two declarations of persons state ἀκολούθως θείῳ προστάγματι τῶν δεσποτῶν Μάρκου Αὐρηλίου Οὐλερίου Μαξιμιανοῦ πρεσβυτέρου Σεβαστοῦ καὶ Γαλερίου Οὐλερίου Μαξιμιανου καὶ Οὐαλερίου Λικιννιανου Λικιννίου Σεβαστῶν

the Emperor had decreed additional revision of the personal census already conducted on the basis of Aristius Optatus' edict.¹³⁹ In any case, we may conclude from the two extant declarations of persons that an edict was issued in late 308 or early 309 calling for a personal *census* or rather revision of an earlier census of persons.¹⁴⁰

Existing papyri do not permit us to write a detailed history of the Diocletian tax reform in Egypt, but certain dominant features seem clear. As early as 294, Diocletian probably began work on a fiscal reform in Egypt.¹⁴¹ The Imperial edict was a decisive step which led to the issue of Aristius Optatus' edict. This second edict did not introduce the *jugatio/capitatio* system previously set up by Diocletian, but merely decreed that taxes on both land and crops as well as personal taxes must be based on a new assessment which must then have been conducted during the following years through both a land *census* and a personal *census*.

The papyri which have survived from the reign of Maximinus show that the Diocletian tax reform was adhered to in all essentials. The peculiarities of the Egyptian tax system remained because the Diocletian *capitatio/jugatio* was not introduced, only adjustments were made regularly to the *census* which provided the basis for the land tax and personal taxes. In Maximinus' time, changes were only made to the control of the conduct of the *census* and to the distribution of responsibilities in relation to the collection of taxes.

From the extant land declarations it is clear that they represent a simplification of those that dated from the Diocletian reign. Previously, detailed information was sought on the quality of individual plots of land and various crops (ἀγορὰ πρὸς τὴν ποιότητα τῆς γῆς), but now information

καὶ Γαλερίου Οὐαλερίου Μαξιμίνου καὶ Φλαουίου Οὐαλερίου Κωνσταντίνου υἱὸν Σεβαστῶν τῶν [ἐπιφανεστά]των Και[σάρων]. In P. Strassb 42 we find exactly the same words except that Maximianus does not appear at all; we shall return to this problem.

¹³⁹ Cf. *The Archive of Aurelius Isidoros*, 71.

¹⁴⁰ The basis for Lactantius' dramatic description in *De mort.*, XXIII is constituted by a carefully conducted *census* of land and people which Galerius initiated as one of his first acts of government when he had become *augustus*. It must have been conducted throughout the Empire – we may assume so from the fact the it included Italy – but it has left no trace in the extant *papyri* – which emphasizes the coincidental nature of their contents. In P. Cair. Isidor 8, the declarer says μηδενός μοι συνοικούντος ἐκ πολλοῦ χρόνου τὸ παραπάν and that could mean that some considerable time had passed after the last personal *census*, so it would be reasonable to assume that the *census* decreed by Galerius in 306 could be intended here.

¹⁴¹ See André Piganiol, *Scripta Varia* III. *Collection Latomus* 133 (1973), 282-83 (“La capitation de Dioclétien”).

was given only on the size of the plot and on any changes that might have resulted from the changes in the water level of the Nile.¹⁴² The declarations themselves changed too; the taxpayers themselves now provided the information on land and individuals and the inspectors merely checked the accuracy of the information. These were obviously the results of a simplification of the entire administration,¹⁴³ which in turn reflected the intention of Maximinus' municipal reform of 307-308 to involve the population as much as possible and give the inhabitants active responsibilities in local administration.

In P. Clair Isid. 12, addressed to Heraclides, a *praepositus pagi*,¹⁴⁴ a law is mentioned which was issued by the Emperor and demanded that all inhabitants who had fled from their villages must be found and returned to *sacerrimus fiscus*. The intention, clearly, was to prevent people from evading taxes payable in the *pagus* to which they belonged. Instead of forcing the authorities concerned under threat of punishment to trace and return the evaders, the law promised a reward of five folles for every evader thus returned.¹⁴⁵

This law is included in neither *Codex Theodosianus* nor *Codex Justinianus*. Furthermore, we only know that it was issued by *nostri domini*, (*imperatores*) *augusti*,¹⁴⁶ but we have no information as to their exact identity. *The archives* assume that they were Galerius and Licinius and therefore dates the edict later than November 308 when Licinius was made *augustus*.

¹⁴² Cf. J. Lallemand, *op.cit.* 220.

¹⁴³ Aristius Optatus' edict mentioned only one type of personal tax for the rural population. Diocletian's *capitatio* also included women and children whose work also increased the value of the land, but the personal declarations only include men, and only men aged 10 to 55 years.

¹⁴⁴ The law probably also decreed the establishment of a commission to ensure the execution of the law. From P. Clair. Isid. 128, in any case, it is clear that such a commission exists and consists *tessarius*, the *komarchs* and the *δημόσιος*, acting in the capacity of an armed police guard.

¹⁴⁵ Unfortunately the papyrus has been mutilated bl. 6-7. *The Archives* offers this reconstruction: *κατὰ ἀνδρείον λόγον πρὸ σεισμοῦ ἐπανέγκιν*: in accordance with manly consideration in preference to extortion" (p. 398). This must refer to the members of the commission, not any possible informers, cf. *The Archives*, 398.

¹⁴⁶ bl. 3-6: *τὸ κελεύσθεν ὑπὸ τῆς θείας καὶ οὐρανίου αὐτῶν τύχης τῶν δεσποτῶν ἡμῶν βασιλέων πάντας τοὺς ξένους τοὺς εὐρισκωμένους ἐν ταῖς κόμαις*. The rendering in *The Archives*, "the Augusti; our lords and kings", is strictly speaking incorrect. *βασιλεύς* usually signifies *imperator*, not *augustus*, cf. Hugh J. Mason, *Greek Terms for Roman Institutions. A Lexicon and Analysis* (American Studies in Papyrology XIII (1974)), 12, 120f., 177.

This interpretation appears to present problems, however. We know that Maximinus refused to accept Licinius as *augustus*, because that would mean his own degradation.¹⁴⁷ For that reason alone it is difficult to imagine that he would have accepted the publication of a law which had been devised by Galerius and Licinius. Furthermore, it seems odd that not all emperors have been listed as in P. Clair Isid. 7 and 8. If we assume that the emperors appear here as *augusti*, then this papyrus must date from a time not before 1 May 310 when Maximinus had himself elected *augustus* by his army.¹⁴⁸ If, on the other hand, we accept an earlier date for this manuscript, then it represents a conscious violation of the official code of Imperial address, which would give Maximinus the rank of, not *augustus*, but *filius augustorum* at most. In that case the address represents a wish – undoubtedly inspired by himself – to recognize him as *augustus* within his area of authority.

But even if we ignore the problem of dating the document, we are still faced with the question whether Maximinus *was* Galerius' subordinate in the matter of issuing decrees or he had the authority to make his own decisions on issues and problems that arose in his own provinces. Given that Egypt experienced many problems peculiar to that area, not least in relation to *sacerrimus fiscus*, the implication seems to be that the second explanation is correct. But if Maximinus initiated this law, then it throws some light on his legislation, of course. We may conclude that he wished no one to escape paying taxes and he was prepared to take specific measures to ensure this. It is even more noteworthy, however, that he does not wish to issue threats of punishment to force the commissions to do their job. He promises rewards instead. This implies his eagerness to establish smooth cooperation between the Imperial power and local civil servants.

Another papyrus (P. Cair. Isid. 11) sheds additional light on Maximinus' fiscal policies. It is a statement from *sitologoi* in Karanis and its *horio-deiktia* of the collection and distribution of wheat and barley for the year 308-309. It is dated 4 December 312, and certain features are worth noting. Declarations of land from the years 298 to 300 distinguishes between γή σπορίμη and γή ἄβροκος, the latter meaning uncultivated, but this statement distinguishes only between σπορίμη and ἄσπορος, both however being taxable. This represents a simplification of the declaration of land.

¹⁴⁷ For more details, see below.

¹⁴⁸ This date seems quite possible. In *The Archives*, the letter to Heraclides is dated 308/9, but the editors appear to be guided by an assumption that Licinius as *augustus* took the initiative for it.

The fact that taxes were levied on all land, whether cultivated or not, would induce the owners to begin cultivation.¹⁴⁹

In P. Cair. Isid. 11 the dating of Aurelius Heracles' period as *praepositus pagi* seems open to an interpretation which differs from the one given by A.E.R. Boak and H. Chr. Youttie. They assume without question that Aurelius was the *praepositus pagi* for 307/08 and 308/09. Given that the statement was obviously written in response to a request from Aurelius Heracles, who was clearly identified as the former *praepositus* of the fifth pagus in Arsinoe, the most reasonable interpretation would be to assume that he had only very recently left this position. The statement was dated 4 December 312 which would mean that he had remained in his old position for some time into the year 312. Consequently there is no reason not to place P. Cair. Isid. 126 some time after 1 May 310.

Thus the scant Egyptian material shows that Maximinus, carefully and at regular intervals, adjusted the existing census, no doubt in order to provide an accurate basis for just taxation, as demanded in Diocletian's edict of 297. We can also conclude that measures were taken to ensure that no one could escape paying the taxes and rates due.

We have seen that Maximinus gave high priority to the introduction of administrative uniformity, and we may therefore wonder why he continued the fiscal traditions peculiar to Egypt, on which Diocletian's edict of 297 was founded, and why he did not introduce the *capitatio* system that was being established in the rest of the eastern provinces. It could be that Maximinus judged the Egyptian tax system to be functioning well here, provided that an accurate census was available, and for that reason he saw no point in changing it to bring it in line with the conditions prevalent in the rest of the Empire.

¹⁴⁹ Cf. *The Archives* 105: "In comparison with taxes and rents collected under the Principate, the new rates – 1½ art. of wheat on royal land, ½ art. of wheat on private land, and ¾ art. of barley on all land are remarkably low. They were made possible by the principle of universal assessment in the preceding period, and exemption might be obtained for land, which had not been inundated and hence not sown, but this flexibility which kept taxation tied to a real base of productivity was now excluded. ... Only this contrived rigidity [unsown land subject to taxation] permitted Diocletian to institute the system of low and uniform rates. Another notable feature of Diocletian's agrarian legislation is its disregard of the crops grown on the *arouras* under assessment. Both the wheat tax and the barley *tax* were applied to the entire taxable area whatever the crops might be. ... In this respect, too, Diocletian's reform did not use the land's real productivity as the visible and convincing base of taxation." It seems quite astonishing that Diocletian is made responsible for initiatives that can only have been taken by Maximinus.

Lactantius was wrong in seeing Galerius' *census* of 306 as being of decisive importance to the tax policies of the tetrarchy. In this respect too, he merely followed in Diocletian's footsteps and continued the work begun by him. Diocletian had used the *capitatio* system to devise the units of assessment, *capitatio terrena*, *capitatio animalium* and *capitatio humana*, that were to ensure accurate valuation of all arable land, all cattle, and the total sum of human labour.¹⁵⁰ This system was designed to provide the basis for systematically implemented tax policies and to ensure at the same time a just distribution of the tax burden, as expressed in Diocletian's edict of 297. The Diocletian *capitatio* system took effect only gradually, however; local valuations remained in force, not just in Egypt.¹⁵¹ Galerius' *census* of 306 was probably just a step in its implementation, seeing that it was based entirely on Diocletian units of assessment.

New important evidence of the success of the *capitatio* system exists on the Brigetio copper table which contains an ordinance issued in Serdica on 9 June 311.¹⁵² It decrees tax reductions according to a graded scale for soldiers in service and for veterans and the reductions are specified in *capita* for each separate category. The important point in this connection is the fact that these *capita* were introduced as a unit that required no further explanation. In other words, the Diocletian *capitatio* system must have been so firmly established that reference could be made to it without further ado. The use of *capita* as a fixed unit for the tax reductions granted to various categories of soldiers and veterans also suggests that *census* must have been conducted according to the Diocletian principles of assessment in such a way that they could be put to immediate practical use.

Maximinus must have been the one who issued the Imperial ordinance engraved on the Brigetio copper table. He had been made *maximus augustus* after the death of Galerius in 311.¹⁵³ We can conclude from this that he favoured the Diocletian *capitatio* system, and given that the Imperial ordinance was meant to have effect throughout the Empire, the copper table also provides us with conclusive evidence that Maximinus wanted this

¹⁵⁰ For details on Diocletian's tax reform, see W. Seston, *Dioclétien*, 262ff. and A.H.M. Jones, *The Later Roman Empire* I, 61ff.

¹⁵¹ Further details can be found in A. Déléage, *La capitation du Bas-Empire*, 255ff. and A.H.M. Jones, "Census Records of Later Roman Empire" in *Journal of Roman Studies* XLIII (1953), 49ff.

¹⁵² For more detailed discussion of the Brigetio table and related problems of a historical and factual nature, see below chapter IV at note 12.

¹⁵³ For detailed reasons supporting this assumption, see below chapter IV at note 49.

ordinance to be the only effective one in the entire Empire. He certainly took Diocletian and Galerius as his task masters in tax policies.¹⁵⁴

Lactantius and Eusebius took exception to the limitless extravagance that Maximinus displayed when he granted large gifts to his supporters in the army and the administration.¹⁵⁵ Their comments must not be taken at face value, however, because the description of a tyrant traditionally depicted him as an arbitrary and uninhibited spendthrift. Nor can we accurately decide whether this represents more than an unkind account of the fact that Maximinus paid his loyal servants well.¹⁵⁶ Nevertheless, Lactantius' and Eusebius' description of Maximinus' extravagance is of value because it unwittingly reveals Maximinus' control of plentiful financial means. In general, they leave a definite impression that his harsh taxation, his fines and confiscations had left him a bulging national purse.¹⁵⁷ Our deductions concerning the finances of the provinces ruled by Maximinus can be extended no further, however. We just know that peace and order prevailed, creating an important condition for the economic prosperity which had developed during the last year(s) of Diocletian's reign. Given this and Maximinus' continuation of Diocletian's tax policies, we are justified in

¹⁵⁴ Maximinus did not follow Galerius in taxing the cities in his provinces, which probably happened in connection with the organization of the *census* decreed in 306, cf. below chapter IV at note 36.

¹⁵⁵ See *De mort.* XXXVII,5 and *h.e.* VIII,14,10.

¹⁵⁶ We have one statement, though, which seems to show that Maximinus was less extravagant than he is usually believed to be – especially in comparison to the other emperors. In the article “Le Soleil et Serapis. Un Médaillon d’Or de Maximin Daia” J. Babelon says, “les larges médaillon d’or..., faites pour être distribuées parmi les officiers ou les courtisans bien méritants, et qui nous sont parvenus en grand nombre sous les empereurs précédents, Gaulien, Aurélien, Probus, Dioclétien, Maximien Hercule, Constance Chlore notamment, sont fort rares pendant le règne de Maximin Daia. En fait, leur nombre se réduit à deux spécimens” (*Revue Numismatique* I (1937), 43).

¹⁵⁷ Cf. *De mort.* XXXVII,6: *Nam quod uiuentium bona uel auferebat uel dono suis dabat, ut quisque petierat aliena ...*, and *h.e.* VIII, 14, 10: ... καὶ ἄλλοτε ἄλλαις κατάδικαις ἡνία καὶ κατεπίεζεν, τῶν γε μὴν εὐπόρων τᾶς προγόνων περιποιηθείσας οὐσίας ἀφαιρούμενος ... There is every reason to assume that confiscations occurred during Maximinus' reign. The sentences passed on wealthy Christians during “the great persecution” certainly meant that their fortunes and other possessions risked confiscation. However, we cannot determine whether the confiscations happened in the arbitrary and lawless fashion suggested by Lactantius and Eusebius. Such hints formed a natural part of a description of a tyrant, and given that we cannot confirm the Christian authors' claim in any other way, it must be correct to remove this point from the list of accusations against Maximinus.

concluding that he commanded the means necessary to maintain a well-paid army and administration and to continue Diocletian's reforms.

4. Maximinus as ruler.

Lactantius, and Eusebius in particular, gave a clear account of Maximinus' use of bribes to create an entourage of sycophants.¹⁵⁸ They filled the top positions in the army and the administration and were in all respects dissolute characters who closely resembled their Emperor in terms of drunkenness and lecherous living.¹⁵⁹ Maximinus encouraged them to rob and amass personal wealth at the expense of the citizens, making them in fact his fellow tyrants.¹⁶⁰ They also proclaimed themselves enemies of Christianity and displayed zealous inventiveness in their persecution of the Christians designed to please Maximinus and thus to fulfil their expectations of plentiful rewards from him.¹⁶¹

In spite of his censorious assessment, however, Eusebius failed entirely to conceal the fact that Maximinus received support from a group of men characterized as οἱ Μαξιμίνου φρονοῦντες.¹⁶² Eusebius used this phrase primarily to suggest that they shared Maximinus' religious convictions,¹⁶³ but it presumably also implied that they agreed with his policies in general. At any rate, Eusebius could conclude a list of the most senior civil servants by saying that they, and several others with them, carried the full responsibility for the consolidation and extension of Maximinus' tyrannical rule.¹⁶⁴ In other words: Maximinus' rule derived its strength from the loyalty of the military leaders and the civil servants who either filled the senior positions in the central Imperial administration or served as provincial governors. The fact that many of them were not opportunists, but acted out of genuine conviction when they supported Maximinus and his policies, is evident from Licinius' perception that they had to be liquidated

¹⁵⁸ See *De mort.* XXXVII,5 and XXXVIII,7 and *h.e.* VIII,14,10.

¹⁵⁹ See *De mort.* XXXVIII,5 and *h.e.* VIII,14,11-12.

¹⁶⁰ See *h.e.* VIII,14,11.

¹⁶¹ See *h.e.* VIII,14,10.

¹⁶² See *h.e.* IX,11,3.

¹⁶³ This is shown by the continuation in which Eusebius counted holders of high offices among Maximinus' party-liners, ὑπ' αὐτοῦ τετιμημένοι τῇ πρὸς αὐτὸν κολακείᾳ σοβαρῶς ἐνεπαροίησαν τῷ καθ' ἡμᾶς λόγῳ (*cap.* 11, 3).

¹⁶⁴ Cf. *h.e.* IX,11,4: ἄλλοι τε ἐπὶ τούτοις οὐκ ὀλίγοι, δι' ὧν μάλιστα τὰ τῆς Μαξιμίνου τυραννίδος ἐκραταιοῦτό τε καὶ ἠϋξέτο.

after Maximinus' death.¹⁶⁵ They obviously formed a powerful and influential group whose wholehearted loyalty to Maximinus and his cause represented a genuine threat to Licinius as the new ruler of *partes Orientis*.

We have next to no information on the leaders in the army and the administration who must have constituted Maximinus' *consilium*. Of his *praefectus praetorio* we only know that his name was Sabinus.¹⁶⁶ In his church history, Eusebius names Peucetius, who is otherwise entirely unknown to us, as Maximinus' most loyal friend and the one that he held in the highest esteem of all.¹⁶⁷ He also mentions Culcianus, who had been *praefectus Aegypti*,¹⁶⁸ and in particular Theoteknos, who appeared to him to be a religious charlatan and the most obvious example of the advantages to be gained under Maximinus from publicising one's superstitious beliefs.¹⁶⁹ In *De martyribus Palaestinae* Eusebius included a few notes on the procurators in the province of Palestina during "the great persecution". When Maximinus became *caesar* in 305, Urbanus, for example, was *praeses Palaestinae* with his office in the provincial capital of Caesarea.¹⁷⁰ He belonged to Maximinus' inner circle¹⁷¹ as his *confidante* who had access to the court.¹⁷² He even boasted that he enjoyed Maximinus' particular favour because of his persecution of the Christians.¹⁷³ His career abruptly terminated, however, when he was convicted and executed in 308.¹⁷⁴ He was

¹⁶⁵ See *h.e.* IX,11,3-6.

¹⁶⁶ See *h.e.* IX,1,2.

¹⁶⁷ See *h.e.* IX,11,4. Peucetius served as consul three times and Maximinus appointed him τῶν καθόλου λόγων ἑπαρχος – so as *rationalis summarum* he was the Imperial minister of finance.

¹⁶⁸ *ibid.* Eusebius states that Culcianus achieved the most exalted offices (διὰ πάσης ἀρχικῆς προελθὼν ἐξουσίας) but he offers no concrete details. He also says that Culcianus had excelled by shedding the blood of countless Christians in Egypt. Papyri have been found showing that Clodius Culcianus was *praefectus Aegyptiae* from the spring of 303 at the latest, maybe from the autumn of 302, till the summer of 306, if not later, see J. Lallemand, *L'administration civile*, 238.

¹⁶⁹ See *h.e.* IX,2-3 and 11,5-6. Theoteknos, who was *curator civitatis* in Antioch, pursued the Christians κολακεία τῇ καθ' ἡδονὴν τοῦ κρατοῦντος (*cap.* 3) and he was made a provincial governor – probably *praeses Syriae Coele* (*cap.* 11,5) – in recognition of his zealous defence of paganism.

¹⁷⁰ See *De mart. Pal.* 3,1 and 2-3. Urbanus had been appointed as governor by Diocletian and held this position when the edict with the general demands for sacrifice was issued in the spring of 304 (see *cap.* 3,1).

¹⁷¹ See *cap.* 7,8.

¹⁷² See *cap.* 7,7.

¹⁷³ See *ibid.*

¹⁷⁴ See *ibid.*

replaced by Firmilianus,¹⁷⁵ who persecuted the Christians with such zealous severity that he was executed after Maximinus' death along with his other faithful procurators.¹⁷⁶

In his account of Aldesius' martyrdom, Eusebius describes how this pupil of Pamfilos arrived in Alexandria where Hierocles, who ruled all of Egypt, was in the process of passing judgement on the Christians with obvious disregard of all decency.¹⁷⁷ This man must be no other than Sossianus Hierocles who, according to extant papyri was *praefectus Aegypti*.¹⁷⁸ He must also be identical to Hierokles, the governor in the province of Bithynia, in the year 303 at least, who according to Lactantius was one of the principal initiators of "the great persecution".¹⁷⁹ He was influenced by the neo-Platonist Porfyrios and published, at the very beginning of the persecutions, a work entitled *A Friend of Truth for the Christians*, in which he argued a case for the superiority of paganism over Christianity.¹⁸⁰ We do

¹⁷⁵ See *cap.* 8,1.

¹⁷⁶ See *cap.* 11,31 (K).

¹⁷⁷ See *De mart. Pal.* 5,3 (L). Unlike the short version, the longer one includes Hierocles' name. This episode was supposed to have occurred shortly after his brother Apfianos' martyrdom on 2 April 306, see *cap.* 4,8 and 4,15.

¹⁷⁸ The date of the papyrus, *P.Cair Isidor.* 69, that mentions Hierocles as *praefectus Aegypti* is a much-debated issue; it may be 307 or perhaps most likely 310, cf. J. Lallemand, *L'administration civile*, 239. According to Eusebius' information, Hierocles must have served as a prefect in 306, but the length of his service cannot be determined with any certainty. Additional confirmation of the accuracy of this identification comes from the pointed presentation of Aidesius as a philosopher. He is made to appear as the Christian philosopher who fights for justice, as opposed to Hierocles, known to everybody as the heathen philosopher who passes indecent sentences.

¹⁷⁹ Cf. *De mort.* XVI,4: *Nam cum incidisses (sc. Donatus) in Flaccinum praefectum, non pusillum homicidam, deinde in Hieroclem ex uicario praesidem, qui auctor et consiliarius ad faciendam persecutionem fuit, postremo in Priscillianum successorem eius ...* We know from CIL III, nos. 6 and 661 that between 293 and 303 Hierocles was *praeses* of *Arabia Augusta Libanensis*, which included Palmyra. We do not know when he took over the position of governor in Bithynia. It happened no later than the winter of 302/03 because he as a member of the *concilium principis* with whom Diocletian discussed the question of the persecution of the Christians, see *De mort.* XI,5-6, 19-26. By his statement that Hierocles was made *vicarius* first and then *praeses*, Lactantius creates insoluble problems – in spite of J. Moreau's energetic attempts to provide answers, see *Commentaire*, 293-94.

¹⁸⁰ The work has been lost, but in *Divinae Institutiones* V,1-2 Lactantius gives its title and summarizes some of its arguments, see also my *Christus oder Jupiter* (1981), p. 143f.

not know if Hierocles, too, became a victim of Licinius' liquidation of people who shared Maximinus' opinions.¹⁸¹

Even though little information is available to us on Maximinus' civil servants, we know enough to demonstrate that several of them had served the Imperial power already under Diocletian. This continuity meant that Maximinus commanded a civil service schooled in Diocletian policies and their guiding principles. The presence of Hierocles as one of Maximinus' highly trusted associates – he undoubtedly continued as a member of *concilium principis* – also reflects on the quality of the people who belonged to his court circle. Several of them must have received philosophical schooling and have represented the best of the culture and religious practices of late antiquity. Maximinus seems to have made a point of attracting philosophers and men of letters.¹⁸² Given that the philosophy of the time was dominated by Plotinus and his successors, it seems logical to assume that neo-Platonic philosophy with its hostile approach to Christianity¹⁸³ was widely influential at the Imperial court. This assumption would explain, at least, why Maximinus' most senior civil servants fully shared in his zeal for paganism and his concept of Christianity as being irreconcilable with the Roman Empire and its reasons for being. We have good cause, then, to reject Lactantius' and Eusebius' claim that Maximinus surrounded himself with sycophants and lechers who disregarded, mercilessly and at random, all laws and all decency in their pursuit of pleasure and wealth at the expense of the population.

Nor must we readily accept Eusebius' claim that Maximinus gave his civil servants a free rein to do as they liked with his subjects.¹⁸⁴ He himself inadvertently revealed this at one point! In his account of "the great persecution" in Palestine, he mentioned that the governor Urbanus did not escape punishment for his persistent cruelty towards the Christians. Divine punishment struck suddenly when Maximinus came to Caesarea, initiated a public trial against him for abuse of his position, and had him executed

¹⁸¹ It may well be that Hierocles was one of the godless governors killed after Maximinus' death, if *P.Cair. Isidor.* 69 dates from 310.

¹⁸² Cf. *Epit. de caes.* 40,19: ... *verum sapientissimi cuiusque ac litteratorum cultor...* According to the East Roman chronicler John Malalas, Jamblichus settled in Antioch and stayed there till his death, i.e. while Maximinus resided in the Orient.

¹⁸³ Cf. *Christus oder Jupiter* p.13f.

¹⁸⁴ See *h.e.* VIII,14,11.

once his guilt had been proved.¹⁸⁵ To Eusebius, this sentence was all the more surprising, because Urbanus had boasted of his high favour with Maximinus generated by his vigorous persecution of the Christians. This course of events is evidence that Maximinus was prepared to keep his civil servants in line and that shared religious convictions did not make him tolerate injustices committed by civil servants while in office.¹⁸⁶

Lactantius also failed to produce an entirely consistent account of Maximinus as a tyrannical ruler. He explains that Maximinus stole and quite at random dispossessed people of their lands, either to keep them for himself or to give them to friends in response to their requests. He adds, though, that this happened without bloodshed, as was the custom with savage robbers.¹⁸⁷ A standard description of a tyrant will always include stories of wanton and cruel killings for the purpose of stealing land of the deceased.¹⁸⁸ Maximinus stopped short of murder when he confiscated land, and this is an indication that he displayed traits of *clementia*, a principal virtue in a good emperor.¹⁸⁹ We should note, too, that Lactantius makes no

¹⁸⁵ See *De mart. Pal.* 7,7 (K). Eusebius only mentions ἀτοπήματα but does not describe the nature of the misdeeds. They must have been related to Urbanus' neglect of his official duties, but that is all we know.

¹⁸⁶ Eusebius describes Maximinus as δικαστὴν ἀπηνῆ καὶ ὠμότατον (*cap.* 7,7 (K)), which points to the strict justice he administered when Urbanus was convicted. Without suggesting any far-reaching conclusions, we should point out that Lactantius did not accuse Maximinus of having employed cruel methods of interrogation and punishments or of administering justice in a completely random fashion, as he accused Galerius of doing, see *De mort.* XXI-XXII.

¹⁸⁷ Cf. *De mort.* XXXVII,6: *Nam quod uiuentium bona uel auferebat uel dono suis dabat, ut quisque petierat aliena, nescio an agendas illi fuisse gratias putem, quod more clementium latronum incruenta spolia detrahebat.*

¹⁸⁸ Cf. *De mort.* VII,11 where Lactantius describes Diocletian's rule and then writes: *Iam illud praetereo, quam multi perierint possessionum aut opum gratia. Hoc enim usitatum et fere licitum consuetudine malorum.* On Maximianus, who resembled Diocletian in every respect, the text comments: *Cruentissimus fiscus male partis opibus affluebat* (*cap.* VIII,4).

¹⁸⁹ The following principle can be applied with caution: if a writer characterizes a ruler as a tyrant but refrains from including all the features traditionally incorporated in the paradigm for descriptions of a tyrant, it may indicate that the ruler possesses qualities which may be ignored but not denied to the extent that he is given the opposite evil qualities. Every skilled rhetor, however much he was familiar with the traditional characterization of a tyrant, would not merely turn black to white; he would refrain from comments and attempt to explain a decision or an action as being inspired by the most malicious motives. As a trained rhetor, Lactantius is most informative in this respect. He states that like all evil emperors, Diocletian let people die as a matter of course so that he could win their possessions, and continues: *Sed in hoc illud fuit praecipuum,*

mention of savageness, brutality and cruelty when discussing Maximinus; these qualities were included in his descriptions of Maximianus and Galerius.¹⁹⁰ Lactantius' reticence is not accidental. After all, the testimonial given to Maximinus in *Epitome de caesaribus*, the only extant Latin source which makes special mention of Maximinus, describes him, briefly, as a man of a mild and calm disposition (*ingenium quietum*). The testimonial takes on special significance because its author expresses his surprise at finding this quality, normally developed only in men of philosophical schooling, in a man of the lowest social origins.¹⁹¹

Lactantius makes it plain that Galerius was a drunkard,¹⁹² but he does not make the same claim for Maximinus. Eusebius, on the other hand, described Maximinus' nightly intoxication and his habit of issuing orders in his state of drunkenness which he regretted the next day, when the intoxication had worn off.¹⁹³ Given that senseless drunkenness is the mark of all tyrants, we must of course treat this information with the utmost scepticism, particularly in this case, because Eusebius' note is obviously a later addition to his account.¹⁹⁴ This is an indication that the quality was ascribed to

quod ubicumque cultiorem agrum uideret aut ornatius aedificium, iam parata domino calumnia et poena capitalis, quasi non posset rapere aliena sine sanguine (De mort. VII,12). In this case, in fact, confiscations and death sentences only occur within the framework of established legal procedures. This is also true when Lactantius writes about Maximianus: *Et cum opus esset, non deerant locupletissimi senatores qui subornatis indicibus affectasse imperium dicerentur, ita ut efforderentur assidue lumina senatus (De mort. VIII,4).*

¹⁹⁰ Lactantius says about Maximianus that he was *animi, non ad bene faciendum, sed ad mala (De mort. VIII,2)*, but on Galerius he comments: *Inerat huic bestiae naturalis barbaries, effertitas a Romano sanguine aliena (cap. IX,2)*.

¹⁹¹ Cf. *cap. 40,18*: *... ortu quidem atque instituto pastoralis, verum sapientissimi cuiusque ac litteratorum cultor, ingenio quieto* Having *ingenium quietum* was characteristic of a good emperor, because *quietus* is synonymous with *mitis, rectus* and *integer*.

¹⁹² Cf. *De mort. XXIV,6-7*.

¹⁹³ See *h.e. VIII,14,11*. In *Anon. Vales. 4,11* we find a similar account: *igitur Galerius sic ebriosus fuit, ut cum iuberet temulentus ea, quae facienda non essent, a praefecto admonitus constituerit, ne iussa eius aliquis post prandium faceret*. O. Seeck believes that Maximinus originally appeared after Galerius so that the passage states the same point as Eusebius, see *Untergang der Antiken Welt I*, 465. This is incorrect, though, because the context in *Anon. Val.* shows that only Galerius is intended here.

¹⁹⁴ *cap. 14,11* says: *παροινίας γε μὴν καὶ μέθης ἐς τοσαύτην ἠνέχθη φορὰν* and this refers to the passage immediately before in which Eusebius explains that Maximinus had taken away inherited possession from the rich in order to give them to his sycophants – this is the action described as *παροινία* a drunken and depraved behaviour. In

Maximinus for the simple reason that he had been classified as a notorious tyrant.

Epitome de caesaribus does, however, claim that Maximinus was very fond of wine. We are even told that he issued harsh orders when he had lost his power of judgement because he was drunk, but he regretted them and decreed that no such orders must be effected until he had confirmed them in a sober state the next morning.¹⁹⁵ Even though *Epitome* displays no obvious wish to discredit Maximinus by describing him as a drunkard, that is not sufficient reason to place great trust in the information. We are probably just faced with a good yarn of an emperor who was fond of wine and made sure that his drinking had no unfortunate effects on his government. This standard anecdote¹⁹⁶ was then applied by Eusebius, or the source that he made use of, to Maximinus as evidence of his depraved character. Even though we cannot establish whether Maximinus was an immoderate drunkard or not, we are probably not far wrong to assume that he drank as much and as heavily as members of the upper classes of the Roman Empire were wont to do.

Lactantius explains that sexual passion was Maximinus' greatest vice – and in that respect he surpassed everyone.¹⁹⁷ He admits that he cannot find words to describe the extent of the crimes that Maximinus committed because of his blind, uncontrollable lust.¹⁹⁸ Lactantius tries, though!¹⁹⁹ According to him, eunuchs and procurers were on the look-out for beautiful women everywhere. They were removed just like that from their parents or

its substance, the section of the sentence quoted above only continues in θρύπτεσθαι μὲν τὸ στρατιωτικὸν διὰ πάσης τρυφῆς τε καὶ ἀκολασίας. It means, then, that Maximinus' insane extravagance has destroyed the discipline and morale of the army. Eusebius, or more likely perhaps his source, however, understood παροιμία quite literally as drunkenness and in order to show this more clearly added ὡς ἐν τοῖς πότοις κτλ., along with a note saying that Maximinus was a κακίας διδάσκαλος to all groups in society. This is an insertion that interrupts the original context which is further clear from the stylistic awkwardness; there is no linguistically adequate connection either to the passage before or the passage after.

¹⁹⁵ Cf. *cap.* 40, 18-19: ...*vini avidior. Quo ebrius quaedam corrupta mente aspera iubebat; quod cum pigeret factum, differi, quae praecepisset, in tempus sobrium ac matutinum statuit.*

¹⁹⁶ Its status as a universal legend is further confirmed by the fact that it was also used about Galerius in *Anon. Vales.* 4,11.

¹⁹⁷ Cf. *De mort.* XXXVIII,1: *Illud uero capitale et supra omnes qui fuerunt, corrupendi cupiditas.*

¹⁹⁸ See *ibid.*

¹⁹⁹ See *cap.* XXXVIII,2-4.

husbands and subjected to careful examination to ensure that they were worthy to become the Emperor's lovers. If they refused, they would be executed by drowning. The whorehound Maximinus turned *pudicitia*, a quality of which any Roman woman was proud, into *maiestatis crimen*²⁰⁰ – *castistas* and *fides*, the fundamental virtues of a Roman marriage, struggled for survival.²⁰¹ No one was safe from the Emperor's lust!²⁰² Moreover, Maximinus had introduced *jus primae noctis*, and he allowed his contes to follow his example without any restrictions.²⁰³ Maximinus' boundless lust prompted him to attack the Empress Valeria – even though she was Galerius' wife and thus his mother by adoption.²⁰⁴ She refused to give in to this *animal nefarium*,²⁰⁵ so Maximinus deported her to the Syrian desert along with Priscia, her mother and Diocletian's wife.²⁰⁶ As an additional example of the horrors caused by Maximinus' *barbara libido*,²⁰⁷ Lactantius mentions three women of the Senate nobility who were executed because he could not have his way with them.²⁰⁸

Passionate lust was characteristic of Maximinus also according to Eusebius. He gave up counting the number of people violated by the Emperor. He had to make do with a simple comment that the tyrant could never pass through a city without assaulting women and maidens.²⁰⁹ He did note, though, that Maximinus had banished a Christian noblewoman from Alexandria and seized her fortune, because she refused to have anything to do with him.²¹⁰

The agreement between Lactantius and Eusebius does not, however, prove their accounts correct. On the contrary, everything suggests that they have no historical value. The mere fact that accounts of any tyrant traditionally depict him as a lecher entirely dominated by his passions, in itself

²⁰⁰ See *cap.* XXXVIII,2.

²⁰¹ Cf. *cap.* XXXVIII,3: *Aliqui constupratis uxoribus, quas ob castitatem ac fidem carissimas habebant, cum dolorem ferre non possent, se ipsos etiam necauerunt.*

²⁰² Ironically, it says: *Sub hoc monstro pudicitiae integritas nulla, nisi ubi barbaram libidinem deformitas insignis arcebat (cap. XXXVIII,3).*

²⁰³ See *cap.* XXXVIII,5.

²⁰⁴ Cf. *cap.* XXXIX,1: *Denique cum libidinibus suis hanc legem dedisset, ut fas putaret quicquid concupisset, ne ab Augusta quidem, quam nuper appellauerat matrem, potuit temperare.*

²⁰⁵ Cf. *cap.* XXXIX,3.

²⁰⁶ See *cap.* XXXIX and XLI.

²⁰⁷ See *cap.* XXXVIII,3.

²⁰⁸ See *cap.* XL.

²⁰⁹ Cf. *h.e.* VIII,14,12.

²¹⁰ See *cap.* 14,15.

prompts a sceptical approach.²¹¹ Moreover, the detailed accounts that Lactantius and Eusebius offer in support of their claims do not stand up to critical examination. We must reject them as "Greulgeschichten", in part based on gossip and vague rumours, in part recounting episodes and occurrences that may have taken place, but which originally had nothing to do with Maximinus. We cannot, therefore, permit ourselves to trust the evidence given by Lactantius and Eusebius.²¹²

Given that we possess no other material whatsoever to throw light on this sensitive subject, it seems most reasonable to assume that Maximinus followed a pattern of sexual behaviour that was generally accepted by the ruling classes.²¹³ To Christians such as Lactantius and Eusebius this behaviour was a despicable abomination revealing moral decay, but that is quite another matter! Their emphasis on Maximinus' personal vices and dissolute life style was probably prompted by their belief, which they shared with Roman moralists generally, that a man's *virtus* was intimately related to his management of *res publica*. A just and virtuous ruler was a blessing to the state, but a debauched leader was a tragedy and curse to the people – for that reason an account of a tyrant must by necessity include a description of his debauched nature as well as of his destructive rule. Accordingly, Lactantius' and Eusebius' descriptions of Maximinus' sexual exploits serve

²¹¹ Lactantius and Eusebius themselves provide excellent evidence of this. Lactantius writes on Maximianus: *Iam libido in homine pestifero non modo ad corrumpendos mares quod est odiosum ac detestabile, uerum etiam ad uiolandas primorum filias. Nam quacumque iter fecerat, auulsæ a complexu parentum uirgines statim præsto* (*De mort.* VIII,5). Except from the alleged homosexuality, this corresponds quite closely to comments made about Maximinus. Eusebius says about Maxentius, the tyrant of the West: εἰς πάσας δ' ἀνοσιουργίας ὀκείλας, οὐδὲν ὅ τι μιαρίας ἔργον καὶ ἀκολασίας παραλέλοιπεν, μοιχείας καὶ παντοίας ἐπιτελῶν φθοράς (*h.e.* VIII,14,2). The exact meaning of this is explained in the passage that follows, see *ibid.* and *cap.* 14,16-17. When it came to an open conflict between Constantine and Licinius, the latter also began, according to Eusebius' account, to adopt the malice and corrupt behaviour of the godless tyrants, cf. *h.e.* X,8,2. He separated women from their husbands and gave them to the servants at his court so that they could molest them, and even though he was very old he still in his drunkenness violated married women and virgins to satisfy his lust, see *cap.* 8,13. Eusebius' description of Licinius is particularly instructive for an understanding of the elements that belong in the paradigm of a tyrant if we remember how he used to praise Licinius as a pious god-loving emperor when he was Constantine's ally.

²¹² We should note, but not exaggerate the point that neither Lactantius nor Eusebius accuses Maximinus of homosexuality – this was otherwise a standard element in the description of a tyrant.

²¹³ None of the other, admittedly rather scarce, sources see any reason to comment on Maximinus' sexual behaviour.

a very specific purpose, namely to compromise him as a ruler and show that his depravity had undermined all moral decency²¹⁴ and brought suffering and disasters to his people.

The fact that Lactantius and Eusebius, as our most detailed sources, have based their account of Maximinus on the image of a tyrant generated by traditional rhetoric, has certainly made it difficult to assess his personal qualities and the nature of his rule. Nevertheless, our investigation of the entire source material has revealed enough reliable information to allow us to give an impression of Maximinus and his rule which differs from that given to their readers by Lactantius and Eusebius.

This shows us Maximinus as a man of character. As a ruler he possessed *humanitas*. By comparison to the other rulers of the tetrarchy, he definitely emerges as an educated and civilized emperor. He must have been a forceful personality who could win people's support for himself and for the policies that he found correct. For that reason, he could also count on the loyalty of the army and the administration. Maximinus was no reckless, opportunist ruler. He seems to have had a clear understanding of the duties of a Roman emperor. He was convinced of the need for the great reforms that Diocletian had started, and he wished to continue this policy. Maximinus saw Diocletian, for a good reason, as his political mentor. But this did not preclude him from showing independence or from conceiving and executing his own constructive policies. These qualities were particularly prominent in his handling of religious issues.

5. Religious policy

Eusebius claims that Maximinus held spirits and demons in high esteem and that he was so timid and superstitious that he never dared act without omens and oracles.²¹⁵ Consequently, his great respect for sorcerers and augurs secured them the highest positions and greatest privileges.²¹⁶ For

²¹⁴ When Lactantius reports that Maximinus in his *barbara libido* scorned *pudicitia*, *castitas* and *fides*, he actually accuses him of crushing the traditional Roman nuptial ethics.

²¹⁵ Cf. *h.e.* VIII,14,8: φοφοδεοῦς ἐς τὰ μάλιστα καὶ δεισιδαιμονεστάτου καθεστῶτος [τήν τε περὶ τὰ εἶδωλα καὶ τοὺς δαίμονας περὶ πολλοῦ τιθεμένου πλάνην]. μαντειῶν γοῦν δίχα καὶ χρησμῶν οὐδὲ μέχρις ὄνουχος ὡς εἰπεῖν τολμᾶν τι κινεῖν οἷός τε ἦν. The complex sentence structure is caused by the insertion given in []; it disrupts the original continuity.

²¹⁶ See *cap.* 14,8 and 9.

Lactantius too, Maximinus' strong heathen leanings were an incontrovertible fact. Sacrificial offerings occurred daily in his palace. He introduced the rule that only meat from sacrificial cattle must be consumed at his court and that all food must be ritually consecrated.²¹⁷

To Eusebius, Maximinus' religious beliefs were just so much idiotic and harmful superstition²¹⁸ – and he is even quite unsurpassed in this respect.²¹⁹ Lactantius adds to the picture, as it were, by claiming that Maximinus was a true disciple of both Diocletian and Galerius, also when it came to *superstitio*.²²⁰ The Christian writers used their characterization of Maximinus, however, not just to suggest that his blindness occasioned him to worship false gods. They also intended to brand him a tyrant.²²¹ This means, of course, that Eusebius' and Lactantius' accounts of Maximinus' relationship with the gods of the heathens must not be taken at face value. Fortunately, a way exists for us to acquire direct knowledge of Maximinus' own religious ideas. Eusebius copied significant parts of his answer to an address from the city of Tyros, which asked for the Emperor's permission to

²¹⁷ See *De mort.* XXXVII,1-2.

²¹⁸ See *h.e.* IX,4,3: ἡ ἔκτοπος τοῦ κρατοῦντος δεισιδαιμονία. In fact, the Latin equivalent is *immodica et prava superstitio*. It was a common expression for what exceeded the cult traditions defined by *mos maiorum* and so represented uncontrollable and dangerous divine worship. This expression was characteristic of Roman religiosity and was used, for example, by Plinius in a letter to Trajan as a precise summary of Christianity, cf. *Christus oder Jupiter*, 50.

²¹⁹ Eusebius claims that Maximinus resembled Maxentius, the tyrant of the West, also in the matter of *superstitio*. In fact, he took after him in every respect and even outdid him, see *h.e.* VIII,14,7-8. That means that the description which Eusebius gives of Maxentius' superstition also applies to Maximinus: ἡ δὲ τῶν κακῶν τῶ τυράννῳ κορωνίς ἐπὶ γοητείαν ἤλαυνεν, μαγικαῖς ἐπινοίας τοτὲ μὲν γυναῖκας ἐγκύμονας ἀνασχίζοντος, τοτὲ δὲ νεογνῶν σπλάγχνα βρεφῶν διερευνωμένου λέοντάς τε κατασφάττοντος καὶ τινὰς ἀρρητοποιίας ἐπὶ δαιμόνων προκλήσεις καὶ ἀποτροπιασμὸν τοῦ πολέμου συνισταμένου (*h.e.* VIII,14,5).

²²⁰ It is clear from the immediate continuation of *De mort.* XXXVII,1-2: *In ceteris quoque magistri(s) sui(s) similis* [sc. Maximinus] (*cap.* XXXVII,3). Lactantius says about Diocletian: *ut erat pro timore scrutator rerum futurarum, immolabat pecudes et in iecoribus earum uentura quaerebat* (*cap.* X,1). About Galerius he says that he was no less *superstitiosus* than his mother who as *deorum montium cultrix* was a *mulier admodum superstitiosa*, see *cap.* IX,1-2.

²²¹ A description of a tyrant should also include references to his *superstitio*. Eusebius provides an excellent example of this in *h.e.* VIII,14,5. On this matter see also Joachim Ziegler, *Zur religiösen Haltung der Gegenkaiser im 4. Jh.n.Chr.* (*Frankfurter Althistorische Studien* 4, 1970), 10ff.

remove all Christians from its territory.²²² This ordinance contains *in nuce* Maximinus' personal *credo*.

At the centre of Maximinus' religious convictions was the belief that all things are governed and sustained by the gods' loving providence.²²³ They see to it that the earth produces fruit, that there is peace and not war, that no natural catastrophes bring floods, storms, and earthquakes.²²⁴ Maximinus refers without reservation to *di immortales*. It is clear, however, that he has in mind a superior deity that works through the popular gods – and this deity is none other than Jupiter.²²⁵ If people want a share of the divine benefactions, they must offer them due worship.²²⁶

This henotheism with its emphasis on loving divine providence has affinities with a concept of god inspired by Plato.²²⁷ This is additional evidence that Maximinus was influenced by the renaissance of pagan religions set in motion by neo-Platonism.²²⁸ The same tendency appears in Maximinus' personal involvement in his zealous advocacy of worship of *di immortales*. Such involvement was otherwise alien to followers of the traditional cults. We see it in his insistence on deeds rather than words as central to divine worship.²²⁹ And last, but not least, it appears in his rejection of Christianity. There is no doubt at all, then, that Maximinus'

²²² *h.e.* IX,7,3-14.

²²³ Cf. *h.e.* IX,7,3: ἐπιγνῶναι ὡς τῇ τῶν ἀθανάτων θεῶν φιλαγάθῳ προνοίᾳ διοικεῖται καὶ σταθεροποιεῖται.

²²⁴ See *cap.* 7, 8. These calamities are avoided τῇ φιλαγάθῳ τῶν θεῶν σπουδῇ.

²²⁵ Cf. *cap.* 7,7: [Zeus] ἐπιδεικνὺς καὶ ἐμφαίνων ὅπως ἐξαιρέτον ἐστὶν καὶ λαμπρὸν καὶ σωτηριῶδες μετὰ τοῦ ὀφειλομένου σεβάσματος τῇ θρησκείᾳ καὶ ταῖς ἱεροθρησκείαις τῶν ἀθανάτων θεῶν προσιέναι.

²²⁶ Cf. *ibid.*: ἐκεῖνος ὁ ὑψιστος καὶ μέγιστος Ζεὺς, ... ὁ τοὺς πατρώους ὑμῶν θεοὺς καὶ γυναῖκας καὶ τέκνα καὶ ἐστίαν καὶ οἶκους ἀπὸ πάσης ὀλεθρίου φθορᾶς ῥυόμενος ...

²²⁷ Eusebius undoubtedly uses ὁ ὑψιστος καὶ μέγιστος Ζεὺς to represent *Juppiter exsuperantissimus maximus* in the original text. It is merely another term for the *summus deus* that played a prominent role as the supreme deity in the Platonic and neo-Platonic philosophy of the time, cf. P. Battifol, *La Paix Constantinienne et le Catholicisme* (1914), 191ff. The neo-Platonic influence also shows itself in the strong emphasis of worship of *di immortales* as being in accordance with ἡ ὀρθὴ καὶ καλλίστη διανοία (7,11) whereas only a ἀνόητος ἢ νοῦ παντὸς ἀλλότριος (7, 8) can deny the rule of the gods' loving providence.

²²⁸ See also *Christus oder Jupiter*, 137ff.

²²⁹ Cf. *cap.* 7,4: πρὸς τοὺς ἀθανάτους θεοὺς ..., οἷς οὐ ψιλῶν καὶ ὑποκένων ῥημάτων πίστις, ἀλλὰ συνεχῆ καὶ παράδοξα ἔργων ἐπισήμων γνωρίζεται.

religious ideas were influenced by reawakened neo-Platonic paganism with its aggressive approach to the Christian church.²³⁰

To Maximinus, Christianity was simply foolish. It based itself on blind deceit and aberration.²³¹ It was marked by godlessness (*impietas*)²³² which prevented man from obtaining true knowledge of god and from offering due worship to the gods. It was a curse²³³ and a plague²³⁴ which threatened to destroy the entire world.²³⁵ Consequently, the Christian religion must be wiped out and worship of the immortal gods must be reintroduced to save the Universe and all mankind. Eusebius must be right when he claims that Maximinus regarded the Christians as *impii* and *hostes rei publicae*.²³⁶

Maximinus was a ruler who worshipped *di immortales* with zealous conviction because they sustained mankind and all social life. We do not know if Maximinus had revealed his clear religious convictions before he was elected *caesar* in 305. He may have, and in that case they could have contributed to his election. Furthermore, it does not seem unreasonable to assume that his place at Galerius' court had given him insight into the considerations and discussions behind the persecution of the Christians that began in the final years of Diocletian's reign.

Although many of his contemporaries regarded Diocletian as an innovator in the highest degree, the ultimate overall aim of his policies remained *restauratio imperii Romani*. To him, this meant that the Roman Empire would only exist and continue to do so, if its citizens followed *mos maiorum*, the traditions of their forefathers. They were sacred and inviolate, because they had come about through the care of the immortal gods. This fundamental conviction inspired Diocletian's edict on marriage from 295, in which he banned marriage between relatives because it was a barbaric,

²³⁰ Maximinus was influenced by a Platonicizing theology and therefore he had a special position within the tetrarchy and in that respect he was also a precursor for the Emperor Julian.

²³¹ Cf. *cap.* 7,11: καὶ ὅσοι τῆς τυφλῆς ἐκείνης πλάνης καὶ περιόδου παντάπασιν ὠφεληθέντες εἰς ὀρθὴν καὶ καλλίστην διάνοιαν ...

²³² *cap.* 7,12: ἀσεβεία.

²³³ *cap.* 7,6 and 12: ἡ ἐπαράτη ματαιότης.

²³⁴ *cap.* 7,12: μίασμα.

²³⁵ Cf. *cap.* 7,9: all calamities occurred διὰ τὴν ὀλέθριον πλάνην τῆς ὑποκένου ματαιότητος τῶν ἀθεμίτων ἐκείνων ἀνθρώπων ἐγένετο, ἡνίκα κατὰ τὰς ψυχὰς αὐτῶν ἐπεπόλαζεν καὶ σχεδὸν εἰπεῖν τὰ πανταχοῦ τῆς οἰκουμένης αἰσχύναις ἐπίεζεν.

²³⁶ Cf. *lib.* IX,10,12: καὶ παρ' ᾧ γε μικρῷ πρόσθεν δυσσεβεῖς ἐδοκοῦμεν καὶ ἄθεοι καὶ παντὸς ὄλεθροι τοῦ βίου.

un-Roman custom, which violated *mos maiorum* and undermined the Empire.²³⁷ An identical argument appears in Diocletian's edict to the Manicees, probably issued in 297.²³⁸ It states that the traditions were divine and therefore it was a crime to break them.²³⁹ This was, however, exactly what the Manicees had done: *hi enim, qui novellas et inauditas sectas veterioribus religionibus obponunt, ut pro arbitrio suo pravo excludant quae divinitus concessa sunt quondam nobis.*²⁴⁰ With their damnable *consuetudines* and evil Persian laws, the Manicees would simply destroy the entire Roman Empire and its population.²⁴¹ Therefore the Manicean *secta* must be destroyed.²⁴²

We have no direct evidence of Diocletian's position in relation to the Christian church. But his determined insistence on the necessity to preserve and maintain *mos maiorum* makes it likely that his approach to the Christians became antagonistic. Like the Manicees, they established new and outrageous tenets against much older religions and stubbornly rejected

²³⁷ *Mosaicorum et Romanorum legum Collatio* 6,4,1 (*Collectio librorum Juris Antiustiniani* III, 157): *Quoniam piis religiosisque mentibus nostris ea quae Romanis legibus caste sancteque sunt constituta, venerabilia maxime videntur atque aeterna religione servanda, dissimulare ea, quae a quibusdam in praeteritum nefario incesteque commissa sunt, non oportere credimus: cum vel cohibenda sunt vel etiam vindicanda, insurgere nos disciplina nostrorum temporum cohortatur, ita enim et ipsos immortales deos Romano nomini, ut semper fuerunt, faventes atque placatos futuros esse non dubium est, si cunctos sub imperio nostro agentes piam religiosamque et quietam et castam in omnibus more [maiorum] colere perspexerimus vitam.*

²³⁸ The edict was issued in Alexandria and dated 31 March. The year of the issue, 297, can be determined with the greatest probability, see W. Seston in *Mélanges A. Ernout* (1940), 345ff.

²³⁹ Cf. *Collatio* 15,3,2-3: *sed dii immortales providentia sua ordinare et disponere dignati sunt, quae bona et vera sunt ut multorum et bonorum et egregiorum virorum et sapientissimorum consilio et tractatu inlibata probarentur et statuerentur, quibus nec obviam ire nec resistere fas est, neque reprehendi a nova vetus religio deberet, maximi enim criminis est retractare quae semel ab antiquis statuta et definita suum statum et cursum tenent ac possident, unde pertinaciam pravae mentis nequissimorum hominum punire ingens nobis studium est.*

²⁴⁰ *Collatio* 15,3,3.

²⁴¹ Cf. *Collatio* 15,3,4: *et verendum est, ne forte, ut fieri adsolet, accedenti tempore conentur [per] execrandas consuetudines et scaevas leges Persarum innocentioris naturae homines, Romanam gentem modestam atque tranquillam et universum orbem nostrum veluti venenis de suis malivolis inficere...*

²⁴² *Collatio* 15,3,6-7 continues with an order that the Manicean leaders must be burnt along with their writings, that their obstinate fellow believers must be executed and be depossessed and that those who have *honos* and *dignitas* must be deprived of their *patrimony* and be sentenced *ad metalla*.

all that had previously been granted by the deity. Consequently, it must be a duty to destroy Christianity if the aim was to be the *restauratio imperii Romani*, which presupposed the worship of *di publici populi Romani* according to the sacred customs of the fathers. Diocletian's edict on marriage as well as his Manichean edict clearly reveals the motives which must demand of him that he attacked the church. Nevertheless many obscure points and unanswered questions remain regarding both the origin and development of the persecution of the Christians that began towards the end of Diocletian's reign.

This is so, even though Lactantius' account claims to offer an exhaustive explanation for the organization of "the great persecution". Once during a stay in the East, Diocletian had auguries taken from animal entrails.²⁴³ When he realized that the Christians' presence stopped the *haruspices* from taking auguries, he was furious and demanded that everybody at court should offer sacrifices or be flogged if they refused and soldiers, too, were to face the demand to offer sacrifices or leave the service.²⁴⁴ In this way, Christians were expelled from the court and the army.²⁴⁵ Diocletian left it at that!²⁴⁶

But Galerius, being the fervent *idolator* that he was, wanted the Christian problem dealt with in a much more radical fashion²⁴⁷ – his sense of power had just been strengthened by his victorious fight against the Persian king Narseh.²⁴⁸ He arrived in Nikomedia in the winter of 302-3 and attempted to persuade Diocletian to start an all-out war of annihilation against the Christians. Diocletian resisted him for a long while, claiming that Galerius' plans would provoke a bloody civil war and fail to produce the desired results, because the Christians would give their lives quite happily. The purge of Christians from the army and the administration would be quite sufficient.²⁴⁹ Eventually, though, Diocletian called his *consilium* of

²⁴³ Cf. *De mort.* X,1: *Cum ageret in partibus Orientis, ut erat pro timore scrutator rerum futurarum, immolabat pecudes et in iecoribus earum uentura quaerebat.*

²⁴⁴ See *cap.* X,2-4.

²⁴⁵ This purge probably occurred in 299 or 300, cf. J. Molthagen: *Der römische Staat und die Christen im zweiten und dritten Jahrhundert* (*Hypomnemata* 28, 1970), 102, note 2.

²⁴⁶ See *cap.* X,5.

²⁴⁷ See *cap.* X,6 and XI,1-2.

²⁴⁸ See *cap.* IX,8.

²⁴⁹ Cf. *cap.* XI,3: *diu senex furori eius repugnauit ostendens quam perniciosum esset inquitari orbem terrae, fundi sanguinem multorum; illos libenter mori solere; satis esse si palatinos tantum ac milites ab ea religione prohiberet.*

military and civil advisers. The council stated that the Christians must be destroyed as *inimici deorum et hostes religionum publicarum*.²⁵⁰ But Diocletian did not give his final consent until he had obtained the gods' approval of the fight against the Christians from Apollo's Milesian oracle. He insisted, though, that no blood must be shed.

Lactantius makes Galerius the actual instigator of the persecution of the Christians – by putting constant pressure on Diocletian, he forced him to agree to his persecution policy. But this cannot be accurate. Lactantius misrepresents Diocletian as a *senex uanus*,²⁵¹ an old man quite without principles and character, and he erroneously claims that he wanted peaceful coexistence with the Christians. Nor does Lactantius' suggestion that Galerius' hostility towards the Christians originated from his rustic, semi-barbaric and superstitious mother²⁵² serve to create trust in the accuracy of his account. Our knowledge of Diocletian's rule and his entire policy on religion only justifies the conclusion that he instigated the persecution of the Christians – he had his own clear objectives and the abilities to fulfil them.²⁵³

This does not mean, however, that Lactantius' account is without any historical value. It shows that detailed discussions and analyses preceded the final decision to fight the Christians – it was truly a matter *de summo statu rei publicae*, as Lactantius happens to remark with inappropriate

²⁵⁰ *cap. XI,6*. In this way, Lactantius gives a clear reason for the wish to eliminate the Christians. Diocletian's advisors apparently expressed an unanimous opinion, even though Lactantius states that some of them merely pretended out of a wish to please Galerius.

²⁵¹ *De mort. X,6*.

²⁵² Cf. *cap. XI,1-2*: *Erat mater eius deorum montium cultrix. Quæ cum esset mulier admodum superstitiosa, dapibus sacrificabat paene cotidie ac uicanis suis epulas exhibebat. Christiani abstinebant, et illa cum gentibus epulante ieiuniis hi et orationibus insistebant. Hinc concepit odium aduersus eos ac filium suum non minus superstiosum querelis muliebribus ad tollendos homines incitauit.*

²⁵³ For Lactantius there was a clear connection between an emperor's relationship with the church and the ending of his life. The more energetic he was in pursuing the Christians, the more ignominious would be his end. Seeing that Galerius suffered a death much more horrifying than that of Diocletian, it could only mean that he was responsible for the persecution of the Christians. This may be the explanation why Galerius was blamed for "the great persecution" in stead of Diocletian. We should add, though, that even among the Christians some had doubts about who was responsible for the persecution of the Christians. In *App. of h.e. VIII*, Eusebius himself remarks that there was doubt about the identity of the instigator of the persecutions. Book VIII is in itself clear proof of this, as Eusebius in his various revisions makes now Diocletian, now Galerius responsible for the persecution.

irony.²⁵⁴ The opinion was that the problem was of such magnitude that the gods' approval of the decision had to be obtained. Lactantius' account is no doubt correct in the sense that divergent opinions existed in the highest places within the government as regards the timeliness of persecution of the Christians, nor should we doubt his claim that a decided hostility towards the Christians influenced the majority of Diocletian's *consilarii* – including Galerius. It is also reasonable to assume that diverse opinions existed regarding the organization of the persecution of the Christians. Thus the historically correct core in Lactantius' account must be that the persecution of the Christians was discussed and decided upon in a *consilium* including Diocletian's personal advisors as well as his close military and administrative leaders.

There is no doubt that Diocletian considered it right to eliminate the Christian church, but we have reason to suspect that he hesitated in his choice of the proper procedure. The edicts issued in 303 and 304 seem to show this. Discussions on whether Diocletian or Galerius carried the ultimate responsibility for the persecution of the Christians, have attracted so much attention that no one has made it clear that Diocletian anti-Christian legislation appears improvised and ad hoc. Maybe this has given rise to assumptions about fundamental disagreements between Diocletian and Galerius – and that Lactantius, in turn, has brought these into his account to discriminate against Galerius.

It is certainly the case that an edict against the Christians was issued in the early spring of 303.²⁵⁵ It prescribed²⁵⁶ the destruction of the Christian churches, the release and burning of the sacred texts, and the confiscation of the holy vessels and all church property. Moreover, the edict decreed that Christians that possessed *honos* and *dignitas* would lose their privileges and be reduced to *infames*²⁵⁷ and that the Christians would lose the right to bring matters to trial. *Caesariani* would lose their freedom if they held on to their faith.

²⁵⁴ *De mort.* XI,3.

²⁵⁵ This appears from *De mort.* XIII,1 and *h.e.* VIII,2,4. Eusebius states that the edict was published in March 303, but Lactantius claims that it was issued on 23 February, the *Terminalia* feast (see *cap.* XII, 1) and published the next day.

²⁵⁶ The edict has not been preserved, but its individual decrees can be reconstructed in essence from Lactantius and Eusebius. Additional material to determine the contents of the edict can be found in contemporary documents on martyrs, cf. G.E.M. de Sainte Croix in *Harvard Theological Review* XLVII (1954), 74 ff. (“Aspects of the Great Persecution”).

²⁵⁷ Cf. *h.e.* VIII,2,4: ἀτίμους is the Greek rendition of *infames*.

This edict was designed to destroy the church by making it impossible to conduct religious services and by robbing it of its holy scripture. It is the product of a clear understanding that religious services created a corporate community for the Christians and that they got their *consuetudines* and *leges* from the Scripture as the only true book of revelation. In this fashion, the edict was intended to rob the church of its spiritual basis of existence, and the decrees against the Christians of rank and standing were doubtless designed to subject the Christians to social discrimination and rob the church of all financial and social influence.

The edict seems to follow on from those issued by Emperor Valerianus in 257 and 258.²⁵⁸ It did not, however, contain a specific ban on the conduct of religious services, nor did it demand sacrifices or executions if the church hierarchy and Christians of rank refused to follow it. Even though the Diocletian edict implied a ban on Christian services²⁵⁹ and capital punishment for those who refused to accept it out of their *contumacia* towards the state, it seems extraordinary that the edict was considered adequate means to destroy Christianity. One would have expected the Imperial powers to have proceeded in a much more radical fashion, given the experiences of the unsuccessful Decian and Valerian persecutions. This would seem all the more advisable because the Christian church had grown much stronger in the meantime.²⁶⁰ Given the tough line that Diocletian had taken in relation to the Manicaeans, one would have expected the same rigid procedure in relation to the Christians, who were by no means less dismissive of Roman *mos maiorum*. Nevertheless, the Imperial power must have considered this edict sufficient to eliminate church and Christianity. There is no doubt that this was the declared aim.

Eusebius tells of uprisings soon after in the Melitene area and several places in Syria.²⁶¹ Eusebius is very brief, but it seems clear that the

²⁵⁸ For these edicts see *Christus oder Jupiter*, 108 ff.

²⁵⁹ This is the reason why Maximinus wrote, in 313, ... κεκελευσμένον ἦν ὑπὸ τῶν θειοτάτων Διοκλητιανοῦ καὶ Μαξιμιανοῦ, τῶν γονέων ἡμετέρων, τὰς συνόδους τῶν Χριστιανῶν ἐξηρῆσθαι (*h.e.* IX,10,8).

²⁶⁰ Eusebius' description in *h.e.* VIII,1,1-6, of the progress of the church from Gaulenius' edict in 260 to the start of the Diocletian persecutions in 303 cannot be fully trusted, but there is no doubt that in this period the church experienced considerable growth.

²⁶¹ Cf. *h.e.* VIII,6,8. οὐκ εἰς μακρὸν δ' ἐτέτων κατὰ τὴν Μελιτηνὴν οὕτω καλουμένην χώραν καὶ αὖ πάλιν ἄλλων ἀμφὶ τὴν Συρίαν ἐπιφυῆναι τῇ βασιλείᾳ πεπειραμένων. In his church history, Eusebius claims that the church posed no threat to the state, so we must assume that he refers to unrest that was considered politically dangerous. The fact

authorities believed the Christians to be involved in these uprisings, even if they may not have been the instigators. In any case, the Imperial power saw the situation as a threat that the Christians might rise against it. This is the only probable explanation for the order that church leaders were to be imprisoned in the summer of 303.²⁶² Again, the authorities showed their detailed knowledge of church affairs. They realized that the priests had complete authority over the congregations, which would become entirely harmless as soon as they lost their leaders. This second edict is then politically motivated, not religiously. It aimed to destroy a potential resistance movement by imprisoning church leaders. This intention is confirmed by the decree of simple incarceration of the church hierarchy.

The decree was executed with great diligence; the prisons became overcrowded. But soon the authorities seem to have realized that the second edict was nothing but a panic decision. There was no reason to see church leaders as potential political rebels, so there was no point in keeping them incarcerated. A retreat began. A third edict was issued, possibly in connection with Diocletian's *vicennalia* celebrated in November 303. All church leaders were to be set free, if they were prepared to sacrifice.²⁶³ This was apparently intended as a gesture of favour towards the church leaders. But their political loyalty must be ensured – they had been imprisoned as political suspects after all – and this had to be shown in their fulfilment of the demand to sacrifice. There is no other explanation to account for the absence of specific decrees of punishment if they refused to sacrifice, and there is no other reason why the authorities, having failed to make the priests sacrifice through persuasion and torture, would accept a simple show of sacrifice before they let them go.²⁶⁴ Therefore the so-called third

that he does not give very elaborate accounts of these events is probably because they could leave the impression that the church was anarchistic and attempted to destroy the political order of the Roman Empire. The authorities firmly believed this to be the case, as is clear from the account of Firmilianus' interrogation of the Egyptian Christians in *De mart. Pal.* 11,12.

²⁶² *h.e.* VIII,6,8, τοὺς πανταχόσε τῶν ἐκκλησιῶν προεστῶτας εἰρκταῖς καὶ δεσμοῖς ἐνεῖραι πρόσταγμα ἐφοῖτα βασιλικόν.

²⁶³ Cf. *h.e.* VIII,6,10: αὐθις δ' ἑτέρων τὰ πρῶτα γράμματα ἐπικατεληφότων, ἐν οἷς τοὺς κατακλείστους θύσαντας μὲν εἶν βαδίζειν ἐπ' ἐλευθερίας. When Eusebius continues: δὲ μυρίας καταξάινειν προστέτακτο βασάνοις it has to be placed on his own bill. In *lib.* VIII, 2, 5 (= *De mart. Pal.* prooem) Eusebius gives the impression that only one edict existed containing also the regulations of the second and third edict. From *De mart. Pal.* 1, 4 (L) it seems justified to conclude that the third edict was issued in connection with Diocletian's *vicennalia* – his *dies natalis* probably was 20 November.

²⁶⁴ See *De mart. Pal.* 1,3-4 and *h.e.* VIII,3,1-4.

edict had no validity in the West, and just like the second edict it was valid only in the East. At the same time the fulfilment of the demand to sacrifice was, of course, perceived by the Christians as persecution of the priests – and that is how Eusebius understands and accounts for the situation.²⁶⁵

Diocletian's anti-Christian laws culminated, however, in an edict that ordered everybody to sacrifice to the gods.²⁶⁶ Beyond these basic facts we know nothing of the conditions under which this edict was produced. We have no precise indication of the time of its issue – but the spring of 304 seems the most likely date.²⁶⁷ Nor can we identify precise motives for this more severe approach to the Christians. As the edict is lost, we cannot decide with any precision if the demand for sacrifice involved the entire

²⁶⁵ This is clear from *h.e.* VIII,2,5 (= *De mart. Pal.* prooem.) and *De mart. Pal.* 3,3 (K and L).

²⁶⁶ *De mart. Pal.* 3,1: ... γραμμάτων τοῦτο πρῶτον βασιλικῶν πεφοιτηκῶτων, ἐν οἷς καθολικῶ προστάγματι πάντα πανδημεῖ τοὺς κατὰ πόλιν θύειν τε καὶ σπένδειν τοῖς εἰδώλοις ἐκελεύετο. I *h.e.* Eusebius is not mentioning any edict on sacrifice, but simply presupposes its existence, as it is seen from *lib.* VIII,9,1. Lactantius does not report of neither the so-called second, the third or the fourth edict. From *De mort.* XV,2-5, however, it appears that he presupposes knowledge of the content of these edicts.

²⁶⁷ In *De mart. Pal.* 3,1 (K) we find the information that the edict on sacrifice was issued at the beginning of the second year of the persecutions (δευτέρου δ' ἔτους διαλαβόντος). Eusebius gives the dates of all events in this text according to years of persecutions. But he has given no indication to help us understand what is meant by a "year of persecution". It would be most natural to set the starting point at the time of the issue of the first edict, which means that the first year of persecution would be from the spring of 303 to the spring of 304 – perhaps from March to March more specifically. In his "The Chronology of Eusebius' Martyrs of Palestine" (*Eusebiana*, 179-210), however, H.J. Lawlor claims that this chronology does not tally with the dates of the martyrdoms listed by Eusebius. Instead, Lawlor states that a year of persecution coincides with a calendar year, except that the first year of persecution was from March 303 to 31 December 304. But C.W. Richardson has shown quite convincingly that the point of departure in Eusebius' chronology must be the time of the issue of the first edict – the complications that Lawlor perceives, disappear as soon as we accept that Eusebius' dates were not entirely precise, see *Classical Quarterly* XVIII (1924), 96 ff. If we consider Eusebius' dating of the issue of the edict on sacrifice, this only serves to confirm Richardson's interpretation. According to Lawlor's reckoning, the edict would have been issued at the very beginning of 305. It seems quite unthinkable, however, that Diocletian would have issued such a far-reaching edict at a time when he was presumably fatally ill, as suggested by Lactantius (see *De mort.* XVII,5-9), who is customarily well-informed in this matter. Moreover, it appears from Agape's, Irene's and Kione's martyracts the so-called fourth edict must have been in existence in March 304, see *Ausgewählte Märtyrakte* (herausgeg. von R. Knopf und G. Krüger, 1929), 24,IV,2 and 5. Therefore the edict was probably issued early in the year 304.

population of the Roman Empire, a demand that was then particularly acute for the Christians²⁶⁸ as was the case in the Decian persecutions.²⁶⁹ It is even impossible to determine with any certainty if this edict was also valid in the West. In the case of the emperor Decius' demand for sacrifice we have some knowledge of measures taken to ensure the fulfilment of the demands of the edict. Not so in here.

Judging from our very sparse sources, the Imperial central government made no systematic effort to implement the prescriptions of the edict. The implementation of the edict was apparently left to individual provincial procurators, so at the most, the edict caused only very occasional persecution. It seems most likely that the edict was valid also in the west, where persecution of the Christians had ceased by the beginning of the year 305.²⁷⁰ In Palestine, the provincial procurator was so reluctant to put the edict into effect that Eusebius had the distinct impression that it had been

²⁶⁸ According to *Acta Crispinae*, Anulinus, the provincial governor, is supposed to have said to Crispina: *Ut omnibus diis nostris pro salute principum sacrifices, secundum legem datam a dominis nostris Diocletiano et Maximiano piis Augustis, et Constantio et Maximo [sic!] nobilissimis Caesaribus* (*Ausgewählte Märtyraken*, 29, I, 3). This seems to suggest that the demand for sacrifice was directed at the Christians only. It would be unwise, however, to draw far-reaching conclusions from specific information in the account of the martyrs, as we cannot fully trust its historical accuracy, cf. P. Monceaux in *Mélanges Boissier* (1902), 386 ff.

²⁶⁹ Only *Acta Crispinae*, which gives the date, correctly, of Crispina's martyrdom as 5 December 304, contains a single statement about an edict on sacrifice from the West. This information is confirmed, indirectly, by the fact that neither Eusebius nor Lactantius distinguishes between the East and the West in relation to persecutions during Diocletian's reign.

²⁷⁰ According to Lactantius, Constantius restrained himself to following only sections of the first edict by demolishing some churches: *Constantius, ne dissentire a maiorum praeceptis uideretur, conuenticula id est parietes, qui restitui poterant, dirui passus est* (*De mort.* XV. 7). Gaul knew of no *traditores* which suggests that Constantius refrained from demanding the surrender of the holy scriptures and the liturgical tools of the church. But Lactantius says of Maximianus that he persecuted the Christians just as Diocletian had done according to ch. XV, 2-5, and the accounts of North African martyrs reveal the effectiveness with which the *augustus* of the West persecuted the Christians. In reality, though, the persecutions had ceased by the beginning of the year 305. This is clear from the fact Crispina's martyrdom of 5 December 304 is the last one on record and from the fact that bishops could meet for a synod in Circa in February or early March 305, cf. K. Stade, *op.cit.*, 18 and St. Croix in *Harvard Theological Review* XLVII, 95 ff. Eusebius was absolutely correct in stating that persecutions in the West lasted less than two years (οὐδ' ὅλοις ἔτεσιν δυσὶ τοῖς πρώτοις τοῦ διωγμοῦ τὸν πόλεμον ὑπομείναντα) (*De nar. Pal.* 13, 12), and according to his chronology, they must have stopped by the beginning of 305.

issued as late as the beginning of the year 305. So, in spite of its universal validity, the edict proved to be largely ineffectual. This should give little cause for surprise, given the haphazard and discontinuous nature of Diocletian's various anti-Christian edicts.²⁷¹ It seemed that the Imperial power failed to convert its essentially very clear religio-political objectives into practical politics. The church had been affected by demolished churches and confiscated church land, and by the imprisonment of its leaders, which had obstructed the life of the churches. Some Christians had also deserted their church, not least those that possessed *honos* and *dignitas* – they were of most obvious interest to the authorities. But the plan to annihilate the church had failed. The persecutions seemed to just die out, almost unnoticed.

Ever since he was appointed *caesar* in 305, Maximinus was convinced of his duty towards Diocletian's religious policies. Even at the end of 312, by which time Constantine had officially declared his recognition of the Christian god, Maximinus still believed that Diocletian and Galerius, *domini et patres nostri*,²⁷² had pursued the right policies in relation to the church. When they had realized, Maximinus suggested, that virtually everybody had abandoned the worship of the gods and joined the Christians, they quite rightly ordered force and punishment²⁷³ to be used to drive people back to

²⁷¹ Joachim Molthagen is mistaken in his insistence on the coherent nature of Diocletian's anti-Christian legislation: "Die einzelnen Massnahmen sind nicht isoliert zu betrachten, sondern als Ausdruck eines planmässig gesteigerten Kampfes gegen die Kirche zu verstehen. ... er war selbst entschlossen, die Politik des Decius und Valerian fortzusetzen und die Konsequenzen aus dem Misserfolg ihrer Bemühungen zu ziehen" (*Der römische Staat und die Christen*, 117-18). On the contrary, Diocletian has learnt surprisingly little from the persecutions of the Christians organized by his predecessors, given the influence on him of not least Valerianus' anti-Christian edicts. His attempts to suppress the church are fragmented, almost improvised by nature!

²⁷² This occurred in a *mandatum* sent by Maximinus to his *praefectus praetorio* Sabinus. Eusebius gives the document in Greek translation, *h.e.* IX,9a,1-9. The words τοὺς δεσπότας ἡμῶν Διοκλητιανὸν καὶ Μαξιμιανὸν, τοὺς ἡμετέρους πατέρας (*cap.* 9a, 1) no doubt represent *domini et patres nostri* in the Latin original. But it is not clear if Μαξιμιανός refers to *Maximianus Herculeus* or *Maximianus Galerius*. The first option represents a logical reference to Diocletian and his fellow *augustus* as founders of the Jovi-Herculean dynasty. However, it would be an obvious provocation to refer to Maximianus whom Constantine had made the object of *damnatio memoriae*. The reference, therefore, must be to Galerius, a logical assumption given Maximinus' political situation. So the intention of the text is to say that he saw himself as the successor of Diocletian and Galerius also in respect to religious policies.

²⁷³ Cf. *h.e.* IX,9a,1. Eusebius' text uses the phrase προδήλω κολάσει καὶ τιμωρία, which suggests punishment both as retribution and as education.

the immortal gods. The gods were kindly disposed towards this approach, and the approach was absolutely necessary because the gods alone ensured the existence of people and state.²⁷⁴ Consequently, Maximinus must have considered it the most important task for a statesman to unite people in worship of the gods of the Roman Empire and to stop all secession.²⁷⁵

Eusebius reports that Maximinus began persecuting the Christians as soon as he had assumed power and that he did so with much greater ferocity than any of his predecessors.²⁷⁶ As an explanation for the danger that the Christians had to live in, Eusebius referred to Apfianus' martyrdom.²⁷⁷ But this only occurred on 2 April 306, so no bloody persecutions of the Christians in Palestine had occurred for nearly a year after Maximinus assumed power over *dioicesis Oriens*. Further confirmation of this can be found in the *canones* which Bishop Peter of Alexandria issued in relation with the Easter of 306.²⁷⁸ They contained instructions regarding the different kinds of secession which had occurred since the start of the persecutions. This can only mean that in Egypt the persecutions were thought to have stopped – now the time had come to think of a solution to the problem of the lapsed believers as a necessary part of the reconstruction of the church.

Maximinus' letter, discussed above, to Sabinus, the Pretorian prefect, from late 312 constitutes another important document to clarify the situation after Maximinus' assumption of power. Having declared his support of Diocletian's and Galerius' anti-Christian religious politics, he went on to say that when he came to the Orient as *caesar*, he realized that the punishments instituted by the Imperial power merely had meant that the provincial governors in some places had banished many people who could prove useful to the *res publica*. For that reason he had instructed every

²⁷⁴ Cf. ch. 9a,6: καὶ αὐτοῖς τοῖς θεοῖς, δι' οὓς (= lat. *per quos*) πάντες ἄνθρωποι καὶ αὐτὴ ἢ τῶν δημοσίων διοίκησις συνίσταται, ἤρρεσεν ...

²⁷⁵ Maximinus praises the citizens of Tyros for their decision to give first priority to the battle against the Christians over the management of all other matters of interest to their city, see *h.e.* IX,7,6.

²⁷⁶ Cf. *De mart. Pal.* 4,1 (K): Μαξιμῖνος Καῖσαρ αὐτόθεν ἐπὶ τὴν ἀρχὴν παρελθὼν ὡσπερ τῆς ἐμφύτου θεοεχθρίας αὐτοῦ καὶ δυσσεβείας τὰ σύμβολα τοῖς πᾶσιν ἐνδεικνύμενος, γεννικώτερον ἢ οἱ πρόσθεν τῷ καθ' ἡμῶν ἐπαπεδύετο διωγμῷ. Having mentioned Maximinus' *superstitio* Eusebius offers the same interpretation when writing οὗ χάριν καὶ τῷ καθ' ἡμῶν σφοδρότερον ἢ οἱ πρόσθεν καὶ πυκνότερον ἐπιτίθετο διωγμῷ (*h.e.* VIII,14,9).

²⁷⁷ See *De mart. Pal.* 4,1-7, 9-15.

²⁷⁸ See M.J. Routh, *Reliquiae Sacrae* IV (1848), 23 ff.

single provincial governor to refrain from violence in their attempts to convince people to return to worshipping the gods.²⁷⁹

Interestingly, Eusebius makes no critical remarks of the account, in spite of his frequent eager identification of Maximinus' lies.²⁸⁰ This is even more remarkable, given the favourable light which the account throws on Maximinus, and its contradiction of Eusebius' own account which claimed that Maximinus' assumption of power had been followed immediately by intensified persecutions of the Christians. There is no reason, then, to doubt that as *caesar*, Maximinus had given immediate orders to the provincial governors that they were to use only persuasion and not force to try to convince Christians to abandon their own worship and turn to the gods of the Roman Empire.

This change in tactics must have been caused by Maximinus' assessment of the results achieved till then during the persecutions instigated by Diocletian. Maximinus must have realized that torture, punishments and various methods of execution produced no results in the attempts to force the Christians to abandon their faith. In fact, they merely induced them to turn even more firmly away from the Roman Empire – moreover, they considered the opportunity to suffer and die for Christ as the highest privilege afforded them. If Christianity was to be suppressed and destroyed, spiritual weapons must be employed. This new realization made Maximinus ban violence in attempts to persuade Christians to worship the gods.

His spiritual fight against Christianity probably induced Maximinus to attach great importance to the appointment of people who shared his religious convictions, to positions as provincial governors, and any other senior position in the army and central government. If the Roman Empire were to see that most crucial consensus in the worship of *di immortales*, the Emperor must have civil servants who would work with conviction and zeal for the introduction of the Imperial religious policies.²⁸¹ As far as our

²⁷⁹ Cf. *h.e.* IX,9a,2: ἀλλ' ὅτε ἐγὼ εὐτυχῶς τὸ πρῶτον εἰς τὴν ἀνατολὴν παρεγενόμεν καὶ ἔγνων εἰς τινὰς τόπους πλείστους τῶν ἀνθρώπων τὰ δημόσια ὠφελεῖν δυναμένους ὑπὸ τῶν δικαστῶν διὰ τὴν προειρημένην αἰτίαν ἐξορίζεσθαι, ἐκάστῳ τῶν δικαστῶν ἐντολὰς δέδωκα ὥστε μηδένα τούτων τοῦ λοιποῦ προσφέρεσθαι τοῖς ἐπαρχιώταις ἀπηνῶς, ἀλλὰ μᾶλλον κολακεία καὶ προτροπαῖς πρὸς τὴν τῶν θεῶν θρησκείαν αὐτοῦς ἀνακαλεῖν.

²⁸⁰ See e.g. *h.e.* IX,9,13.

²⁸¹ In *h.e.* VIII,14,8-9, Eusebius ridicules Maximinus' practice of rewarding magicians and augurs with the highest positions and privileges. Behind this lies the historical truth that Maximinus wished to appoint fervent supporters of heathen religion, gods and rites, to the highest positions.

sources allows any conclusion, Maximinus to a great extent succeeded to procure civil servants for whom it was personally important to carry out the program of the emperor's policy on religion.²⁸²

We do not know if Maximinus was right in claiming that as a result of his new policy, Christians turned to traditional religious worship in much greater numbers.²⁸³ The claim seems doubtful. Several Christians, including bishop Peter of Alexandria, actually perceived Maximinus' new procedures as a cessation of persecution – Christians could proclaim their faith now without fear of life and limb. Others must have feared that they merely experienced a temporary lull in persecutions of the Christians. The anti-Christian laws from the reign of Diocletian were, after all, still in force, and many provincial governors had in fact failed to act upon Maximinus' order.²⁸⁴ The new *caesar* was not just an ardent worshipper of the heathen gods in his private life. He had also had coins – the means of Imperial propaganda – struck showing Jupiter and Hercules, the primary gods of the tetrarchy, and thus made an official declaration of support of their religious policies. Against that background, it comes as no surprise that many Christians experienced insecurity and confusion: when would persecutions resume at full force?²⁸⁵ Their fears proved justified.

Thus, Eusebius reports that a new attack – the second one – was launched against the Christians in 306, “the third year of persecutions”. It happened in an edict issued by Maximinus and proclaimed everywhere.²⁸⁶

²⁸² This it seems legitimate to conclude from *h.e.* IX,4,1, where it is told that all the province governors subscribed to Maximinus' new measures against the Christians. When Eusebius is offering the following reason: προσφιλές εἶναι τοῦτο βασιλεῖ τῶν κατ' ἐπαρχίαν ἡγεμόνων συνεωρακότων, undoubtedly it is to be taken as an attempt to draw a veil over the strong support which Maximinus met among his civil servants in his hostile policy against the Christians.

²⁸³ See *h.e.* IX,9a,3, where Maximinus in his letter to Sabinus comments: τηνικαῦτα οὖν, ὅτε ἀκολούθως τῆ κελεύσει τῆ ἐμῆ ὑπὸ τῶν δικαστῶν ἐφυλάττετο τὰ προστεταγμένα, συνέβαινε μὴδὲνα ἐκ τῶν τῆς ἀνατολῆς μερῶν μήτε ἐξόριστον μήτε ἐνύβριστον γίνεσθαι, ἀλλὰ μᾶλλον ἐκ τοῦ μὴ βαρέως κατ' αὐτῶν τι γίνεσθαι εἰς τὴν τῶν θεῶν θρησκείαν ἀνακεκλήσθαι.

²⁸⁴ In his letter to Sabinus, Maximinus admits that his request was ignored by many, see *h.e.* IX,9a,7.

²⁸⁵ Eusebius presumably echoes this spirit of disquiet in *De mart.Pal.* 4,2: πᾶσι δῆτα συγχύσεως οὐ μικρᾶς ἐπηωρημένης καὶ ἄλλων ἄλλοσε διασπειρομένων διαδρᾶναι τε τὸ δεινὸν ἐπιμελὲς ποιουμένων χαλεπῆς τε τὸ πᾶν ἐπεχούσης κινήσεως ...

²⁸⁶ Cf. *De mart. Pal.* 4,8 (K): δευτέρας γὰρ τοι καθ' ἡμῶν γενομένης ἐπαναστάσεως ὑπὸ Μαξιμίνου τρίτῳ τοῦ καθ' ἡμᾶς ἔτει διωγμοῦ τε τοῦ τυράννου τοῦτο πρῶτον διαπεφοιτηκότων ...

This edict is no longer extant, but Eusebius' account makes it clear that the authorities in the cities must ensure with great care and zeal that the entire population sacrificed to the gods.²⁸⁷ On the proclaimed day of sacrifice, herolds would round up all citizens – men, women, and children – outside the temples, and officials would then use the established lists of citizens to call on everyone in turn to come forward for the sacrifice. That way it was possible to control that no one ignored their duty to sacrifice.²⁸⁸

With respect to the demand for sacrifice, this edict merely repeated the so-called fourth edict from the spring of 304. But we can now say that the duty to sacrifice involved all citizens without exception. Eusebius' accounts of the implementation of the edict in a fairly detailed fashion, suggests that procedures were very specifically decreed on this occasion to ensure that the demand to sacrifice was implemented. The Imperial power probably tried a new approach also in making the local town council responsible for the implementation of the edict.

As mentioned above, Eusebius names Maximinus as the author of the edict. In that case, he must have exercised his authority to give administrative instructions on the procedures required to implement the edict of 304. Eusebius characterizes this edict as the second attack on the Christians. Consequently, it is as important as Diocletian's edict on sacrifice as signalling marked deterioration in Christians' conditions. Such a change presumably presupposes an independent legislative initiative, so it would

²⁸⁷ Cf. *ibid.*: ὡς ἂν πανδημεὶ πάντες ἅπαξ ἀπλῶς μετ' ἐπιμελείας καὶ σπουδῆς τῶν κατὰ πόλεις ἀρχόντων θύοιεν. In point of matter, the longer version is identical, although it here is said θύειν τε καὶ σπενδεῖν τοῖς δαίμοσιν. In this passage ἀρχοντες must mean the city council (βουλῆ) and its elected officials.

²⁸⁸ See *ibid.* In the short version, Eusebius merely describes the implementation of the edict in Caesarea, but the longer version includes a more general account: κήρυκες μὲν αὐτίκα κατὰ πάσας τὰς πόλεις ἄνδρες (τε) ἅμα γυναιξὶν καὶ τέκνοις ἐπὶ τοὺς τῶν εἰδώλων οἴκους ἀπαντὰν ἐβόων. χιλίαρχοι (δὲ) καὶ ἑκατόναρχοι κατ' οἴκους καὶ ἄμφοδα παριόντες ἀναγραφὰς τῶν πολιτῶν ἐποιοῦντο, εἶτα ἐξ ὀνόματος ἕκαστον ἀνακαλοῦμενοι, τὸ προσταχθὲν πράττειν ἐβιάζοντο. The meaning of χιλίαρχος is not clear. It represents *tribunus militum*, meaning an officer of the line on active duty at the front, cf. R. Grosse: *Römische Militärgeschichte* (1920), 145 ff. The term would then refer to the officers of the local garrison. Frequently, Eusebius was less than precise in his use of technical terms, so he may be referring to the *tribunus civitatis* who was stationed in every garrison town as a kind of military governor. He was elected among the property owners in a town and carried out primarily civilian functions. He was one of the officials of a town. This would make perfect sense in the Eusebian context. ἑκατόναρχος represents *centurio*, which is used rarely, however, in the early 4th century, cf. R. Grosse, *op.cit.* 115. Thus it is most usefully perceived as a gloss.

be natural to think of Galerius as the author of the edict. Other conditions point in the same direction.

Eusebius takes stock of the Christians' position in the Roman Empire after Diocletian's abdication and finds that the West was peaceful whereas persecution continued unabated in the East under Galerius and Maximinus.²⁸⁹ Moreover, our sources, although rather sparse, show no trace of persecution of the Christians in Galerius' area of authority – Asia Minor and the Balkans – during his first year as *augustus* of the East. Given that this lull coincides with conditions as we know them in Maximinus' area of rule, it seems reasonable to assume that persecutions were resumed at the same time everywhere in the East. As *caesar*, Maximinus was Galerius' subordinate, so the latter must have issued the edict.

We do in fact possess an authentic document from Galerius which throws light on his religious policies. It is the edict which Galerius issued in April 311, in which he granted freedom of worship and assembly to the Christians.²⁹⁰ For our purposes the introduction to the edict constitutes the most important element. In this, Galerius emphasizes the point that the Imperial power had seen it as its task to further the well-being of the Roman Empire through reforms of all *iuxta leges ueteres et publicam disciplinam Romanorum*.²⁹¹ Given that the Christians, in their headstrong foolishness had abandoned the worship of the gods as in the tradition of their forefathers, the Imperial power had a duty to bring them back to healthy thinking. Therefore the Imperial power had issued a *iussio* designed to force the Christians under threat of punishment to return to *ad ueterum instituta*.²⁹² We have already shown that Galerius most probably issued the new edict on sacrifice, so the *iussio* mentioned in the edict of tolerance from 311 can only be the edict on sacrifice from 306. The introduction to the edict of tolerance thus merely offers recapitulation of the motives that made Galerius issue the edict in 306. These motives were probably listed in its introduction, because an Imperial law always included a theoretical reason for the concrete measures introduced.

Eusebius writes, as we mentioned above, that the edict was issued in the third year of the persecutions, and according to his own chronological

²⁸⁹ See *De mart. Pal.* 13,11-13 (K).

²⁹⁰ For more on the edict and its contents, see below chapter III at note 249. Galerius' sole authorship of the edict is established there.

²⁹¹ *De mort.* XXXIV,1.

²⁹² *cap.* XXXIV,3. The further point, *multi periculo subiugati, multi etiam deturbati sunt (ibid.)* refers to the punishments aimed at those that refused to obey the Imperial command.

computations this must refer to the time from the spring of 305 to the following spring of 306. Eusebius gives his note on the edict and its contents in the middle of his account of Apfanius' martyrdom, and from this it has been deduced that the edict must have been issued before his death on 2 April 306. And as Apfanius was supposed to have been the first victim of the edict, it should have been issued in the early spring of 306. This assumption, however, does not agree with the facts. First of all, the account of Apfanius' martyrdom shows quite unequivocally that he was sentenced to death by drowning because he wanted physically to stop the *praeses* Urbanus from conducting an act of sacrifice. This was an attack on the authorities which would have been punished by death in any case as a *crimen laesae maiestatis*. Secondly, the mention of the edict on sacrifice appeared as an insertion that obviously interrupts the flow of the account of Apfanius' martyrdom. There is no necessary connection between the edict on sacrifice and Apfanius' martyrdom. All the same, Eusebius has suggested a connection and must have believed that the edict was issued in the early spring of 306 or – in the context of his own chronology – near the end of the third year of the persecutions.

Eusebius was wrong, though. The *canones* issued by Bishop Peter of Alexandria for the Easter of 306 show that the edict cannot have appeared before April 306. We know that Constantius died on 25 July 306 and that Galerius as the senior member of the Imperial college was made *maximus augustus*.²⁹³ Based on the dates that we have established conclusively, nothing prevents the assumption that the edict on sacrifice was issued after Constantius' death. In fact, a number of conditions comply us to make that assumption.

Galerius was a committed and uncompromising persecutor of the Christians, so why did he not intensify the persecutions immediately after Diocletian's abdication? The answer must be that he had no means of doing so because Constantius was *maximus augustus* of the Empire from that very day – 1 May 305 – to his death on 25 July 306. He did not wish the persecutions to continue; he obviously regarded them as unnecessary judging from the cavalier fashion in which he had administered Diocletian's edicts of persecution. Only when Galerius himself became the supreme emperor of the land did he acquire the legal authority that allowed him to resume the persecutions,²⁹⁴ which he considered right and necessary.

²⁹³ For more details, see below chapter III at note 54 and ff.

²⁹⁴ Lactantius was wrong, therefore, in suggesting in *De mort.* XXI,1 that Galerius became supreme ruler of the world at Diocletian's abdication. See further below chapter III the beginning.

Nothing suggests that the edict was valid for only parts of the Empire, and consequently all ruling emperors must have endorsed it. All the same, it had no effect in the west, and that must have been the result of Constantine's and later Maxentius' independent politics which ignored Galerius' authority as *maximus augustus*.²⁹⁵

We have seen that as soon as he had taken control of *dioecesis Orientis*, Maximinus gave the order that no violence must be used with the Christians. The new edict on sacrifice, however, implied the use of force in the punishment of those that refused to take part in the prescribed worship of the gods. It seems highly unlikely that within a year Maximinus should have abandoned his new tactics, all the more so since he believed it to have produced better results than the old policy of violence. The process becomes much more readily understandable when we remember that Galerius issued the edict and that Maximinus as *caesar* merely was required to abide by it – even though it did not tally with his own understanding of the proper way to approach the Christian problem. Eusebius' belief that Maximinus was responsible for issuing the edict may stem from his experience of its implementation in the area controlled by Maximinus – and the fact that it happened in his name. As always, Eusebius draws his conclusions and assessments from what he himself saw and heard in Palestine.

The edict decreed that everybody must offer sacrifice on a specific day, and lists of names would be used to control that everybody obeyed the Imperial order. In many places, such lists had to be created,²⁹⁶ and for that reason alone, a considerable period of time must have elapsed between the date of issue and the day of sacrifice. We do not know if a specific day was decreed for the entire Empire, but it would seem likely based on the analogies with the Decian persecutions. Moreover, we might be justified in suggesting *dies imperii*,²⁹⁷ i.e. 1 May, the day on which Galerius was proclaimed *augustus* and Severus and Maximinus were appointed *caesares* and dressed in Imperial purple. So the edict must have been issued some time in the autumn of 306, but the *dies sacrificionis* must have been set for 1 May 307. A *dies imperii* involved sacrifices and prayers to the gods for help and support for the emperor, and it also served as a manifestation of the divine

²⁹⁵ For more details, see below chapter III at note 63 and ff.

²⁹⁶ Complete civic lists most likely existed only in a few places. The short version of *De mart. Pal.* presupposes the existence of such a list in Caesarea, but the long version explains that such lists had to be created for the towns in order to put the edict into practice; on this issue, see St. Croix in *Harvard Theological Review* XLVII, 112 ff.

²⁹⁷ See *Christus oder Jupiter*, 105.

origins of Imperial power. On that basis, it seems natural that Galerius would have chosen the first *dies imperii* after his rise to the position of *maximus augustus* as the day on which the entire population should unite in the worship of *di immortales* according to the traditions of their forefathers. It would be a powerful demonstration of the sacred nature of the tetrarchy that he presided over, because it descended from Jupiter and Hercules, and the fulfillment of the duty to sacrifice ensured the *incolumitas* of the Imperial college and, by extension, also of the Roman Empire.

We do not know if the edict prescribed specific punishments for those that refused to take part in sacrifices ordained or that in other ways avoided the demand to sacrifice. The punishments that already existed for disobedience to the Imperial power and its decrees, would probably apply here, too. It was probably left to the provincial procurators to assess the severity of the Christians' disobedience and determine the punishment. This is the only possible explanation for Eusebius' accusation that the provincial governors vied with each other to come up with new, more refined methods of punishment.²⁹⁸

We have very little information on the details related to the implementation of the edict. In a long section of his church history,²⁹⁹ Eusebius gives a shocking description of the sophisticated methods of torture and the different types of punishment and execution used on the significant number of people that refused to sacrifice to the gods – the demand to sacrifice appears as a presupposition throughout, even though there is no account of the issue of an edict on sacrifice. The description refers to the entire period of persecution up to 311, but it offers no chronological specifics, so we cannot possibly say how many details belong to the period after 306.³⁰⁰ It only seems certain that Christian blood flowed copiously until the Imperial power put a stop to it, probably in 308, by abolishing the death penalty.³⁰¹

In his account of the Palestinian martyrs, however, Eusebius has made a point of dating individual phases of the persecutions in relation to “the years of persecution”. Here we are told that as a result of the edict on sacrifice Christians everywhere were hit by a wave of indescribable miseries.³⁰² Eusebius does not give any details, though. He mentions no martyrdom that

²⁹⁸ See *h.e.* VIII,12,7 and *De mart. Pal.* 7,4 and 7.

²⁹⁹ *h.e.* VIII,6,10-11,1.

³⁰⁰ In the account, Eusebius combines a regional report with a description of the different forms of torture, punishment and execution used by the authorities during “the great persecution”.

³⁰¹ See *h.e.* VIII,12,8-9.

³⁰² Cf. *De mart. Pal.* 4,8 ἀφάτω τε κλύδωνι κακῶν τῶν πανταχόσε συγκεχυμένων.

could be associated with the implementation of the edict on sacrifice.³⁰³ Given that he perceives the edict on sacrifice of 306 as the starting point for the second wave of persecutions against the Christians, he seems surprisingly vague on the subject of its development. We may be quite sure that Eusebius did not underestimate the extent and intensity of the persecutions, so his vagueness must mean that the edict on sacrifice was not extensively or intensely implemented in Palestine – that would have produced a much more bloody clash with the Christians.³⁰⁴ Individual provinces may have experienced different conditions, but on the whole the situation in Palestine was probably fairly typical.³⁰⁵ In contrast to procedures in 304, the edict on sacrifice came with specific instructions on its implementation, but it did not ensure more success in bringing together the population of the Roman Empire in worshipping the gods: In the west, the edict was ignored, and in the east the Imperial demands for sacrifice were satisfied only sporadically.

In his church history, Eusebius incorporated an account into his description of the great persecution and its martyrs, which is intended to show how orders were given of a new form of punishment for those Christians that refused to take part in the worship of the official gods of the Empire.³⁰⁶ He apparently based his account on a document in which the governor of Palestine announced to the local authorities the contents of a new Imperial edict.³⁰⁷ Sections of this Eusebius seems to have quoted almost *verbatim*.

³⁰³ Apfianus' martyrdom on 2 April 306 as well as that of his brother Aidesius in Alexandria shortly afterwards, (see *De mart. Pal.* 5,2-3) were reactions to highly provocative behaviour towards the authorities. Eusebius goes on to mention (*cap.* 6,1-6) the martyrdom of Agapius of Gaza on 21 November 306, but that too was unrelated to the implementation of the edict on sacrifice, because Agapius was imprisoned before Diocletian's abdication in 305, see *cap.* 3,1.

³⁰⁴ These minimal results are all the more surprising because Urbanus and Firmilianus as procurators in Palestine had, according to Eusebius, done everything in their power to eliminate the Christians, see *De mart. Pal.* 7,3,4 and *cap.* 9,8,11, 16 and 18.

³⁰⁵ Only few authentic martyr acts exist, and they include so few reliable chronological details that they cannot serve as a basis for an accurate account of the history of the persecutions. All evidence suggests, though, that the Egyptian Christians experienced the most severe effects of the implementation of the edict on sacrifice.

³⁰⁶ See *h.e.* VIII,12,8-10. This section constitutes an addition which is clear from the fact that it has no organic connection to neither the previous *cap.* 12,6-7 nor the next *cap.* 12, 11; they both belong to the original account of the martyrs. With τὰ δ' οὖν τῶν συμφορῶν ἔσχατα Eusebius used to establish a link to the previous passage, but the new section does not in any way represent the climax in the shocking account of the martyrs that Eusebius seemed to indicate in this phrase. That inconsistency provides another indication that the passage is an insertion.

³⁰⁷ Initially, one might think that Eusebius refers to a decree from the provincial governors in his statement: ὅτε δὴ λοιπὸν ἀπειρηκότες ἐπὶ τῇ τῶν κακῶν ὑπερβολῇ καὶ

They state that it is indecent to sully the cities with the citizens' blood.³⁰⁸ Moreover, killing the citizens will provide opportunities to accuse the Imperial government of cruelty – quite incorrectly, as it is friendly and kind to all. To avoid this, the Imperial power forbade, as proof of its humane benevolence, the use of the death penalty.³⁰⁹ The Christians could be punished only by sending them to the mines after they had had their right eyes plucked out and their left Achilles tendon cut and singed.

Eusebius sneers at the suggestion that such punishment represents the *humanitas* of the Imperial power. To him it simply meant that the punishments that had hitherto been used against the Christians became more severe – it was just another attempt to make them suffer.³¹⁰ In his loyalty, though, he accepts that the Imperial power itself perceived the new punishment as a humane measure against the Christians.³¹¹ And it was true! It was an act of charity to refrain from sentencing the rebellious Christians to death and to let them off with bodily mutilation and *damnatio ad metalla*.³¹²

πρὸς τὸ κτείνειν ἀποκαμόντες πλησμονὴν τε καὶ κόρον τῆς τῶν αἱμάτων ἐγκύσεως ἐσχηκότες, ἐπὶ τὸ νομιζόμενον αὐτοῖς χρηστὸν καὶ φιλόανθρωπον ἐτρέποντο (*cap.* 12,8). But the phrase τὰ κατ' ἐπαρχίαν χαλκοῦ μετάλλα (*cap.* 12, 10) can only refer to the copper mines in Phaeno in Palestine. This shows that Eusebius has found his information in the Palestinian provincial governor's letter which in turn has included the Imperial order. From this, Eusebius has then, quite sensibly, deduced that all provincial procurators have sent similar letters to the local authorities in their respective provinces. The Imperial order most likely mentioned only *damnatio ad metalla* with no further definition of the types of mine or quarry involved.

³⁰⁸ Cf. *cap.* 12,9: μὴ γὰρ καθήκειν φασὶν αἵμασιν ἐμφυλίους μαιίνειν τὰς πόλεις ...

³⁰⁹ Cf. *ibid.*: δεῖν δὲ μᾶλλον τῆς φιλανθρώπου καὶ βασιλικῆς ἐξουσίας εἰς πάντα ἐκτείνεσθαι τὴν εὐεργεσίαν, μηκέτι θανάτῳ κολαζομένους.

³¹⁰ Cf. *Cap.* 12,10 in which Eusebius states that it is impossible to count the Christians who lost an eye and became lame ταύτης ἔνεκα τῆς τῶν ἀσεβῶν φιλανθρώπιας (*ibid.*). *Damnatio ad metalla* happened ὑπηρεσίας τοσοῦτον ὅσον κακώσεως καὶ ταλαιπωρίας ἔνεκεν. He also regarded the Imperial order as τὰ τῶν συμφορῶν ἔσχατα (*cap.* 12, 8). This could mean the last of the misfortunes that befell the Christians. The phrase could also mean the worst possible misfortune, and from the previous passage this seems to be the correct reading.

³¹¹ Cf. *Cap.* 12,10: ταῦτα γὰρ ἦν αὐτοῖς τὰ φιλόανθρωπα καὶ τῶν καθ' ἡμῶν τιμωριῶν τὰ κουφότατα ... As always, Eusebius' respect for documents ensures that he will not just falsify its message. At most, he makes a corrective and supplementary comment designed to highlight the most significant aspect as he sees it.

³¹² We must assume, even though it is not explicitly stated, that the law applied only to those that held on to their faith and refused to sacrifice to the gods. If this was

We can say nothing about the motive for this easing of the conditions for the Christians except what we can read from the Imperial decree itself. From the text it appears that the Imperial power considered it important not to be discredited by the Christians for cruelty. The reason for this must be that bloody persecutions of the Christians had done nothing to bring them back to the gods of the Roman Empire; on the contrary, they had only increased their hostility towards the Roman authorities.³¹³ The motive behind the law, then, was a wish to show the Christians that they too would enjoy the Imperial *clementia* and that it should reduce their hostility and resistance to the Roman Empire and its Imperial power.³¹⁴

Eusebius makes it clear that the decree was issued in the name of all the emperors.³¹⁵ That means that Galerius issued it in his capacity as *maximus augustus*. In his biography of Constantine, however, Eusebius says that Maximinus had made it a point of honour to outdo Galerius in the matter of devising new punishments for the Christians.³¹⁶ Traditional punishments involving fire, swords and crosses did not satisfy him any more than throwing them to the wild animals or drowning them. Therefore he invented the unusual punishment of destroying an eye and a foot on the Christians and then sending them to the mines or the quarries – and he demanded by law that this punishment must be used.³¹⁷ Consequently, Maximinus was the real author of the law. In this account Eusebius also regards the new punishment as a product of viciousness, he may have ascribed it to Maximinus to discredit him further. On the other hand, there is no plausible reason why Eusebius should not have ascribed it to Galerius, given that *Vita Constantini* identifies him unequivocally as the initiator of

associated with acts that represented *crimina laesae maiestatis* or other criminal offences they were of course sentenced according to existing laws. That would explain why Christians were sentenced to death even after the new law had been issued.

³¹³ Cf. *Cap.* 12,9: μηδ' ἐπ' ὁμότητι ἀνωτάτω διαβάλλειν τῶν κρατούντων ἀρχήν, εὐμενῆ ταῖς πᾶσιν ὑπάρχουσιν καὶ πραεῖαν. This can only mean that the Christians, as was always the case in times of persecution, perceived the Roman Empire and its Imperial power as an entity hostile to God; it would perish with the imminent establishment of God's kingdom.

³¹⁴ An additional motive might have been the procurement of workers for the mines, whereby Christians could show themselves useful to *res publica*.

³¹⁵ This is clear from the phrase διὰ τὴν τῶν κρατούντων φιλανθρωπίαν (*cap.* 12,9).

³¹⁶ See *Vita Constantini* I,58 (*Eusebius Werke* I).

³¹⁷ Cf. *ibid.*: ἤδη δὲ πρὸς ἅπασιν τοῦτοις ξένην τινὰ ὡς κόλασιν αὐτὸς ἐφευρών, τὰ τοῦ φωτὸς αἰσθητήρια λυμαίνεσθαι δεῖν ἐνομοθέται. The text that follows show that the Imperial law decreed the destruction of an eye and a foot followed by deportation *ad metalla*, mines as well as quarries.

the persecution of the Christian church.³¹⁸ Moreover, Eusebius describes the persecuting emperors in such broad terms that we may assume that the detailed information on Maximinus' law of punishment for the Christians must be accurate. There is even more reason to trust Eusebius' information given that Maximinus opposed the use of violence in relation to the Christians. So Maximinus must have prevailed on Galerius to issue a law that forbade the use of the death penalty for the Christians.

In his church history, Eusebius gives us no indication of the time of the writing of the law. In his account of the Palestinian martyrs we hear nothing at all about the issue of such a law, but he mentions the provincial governor Firmilianus who, in the sixth year of the persecutions, was sent a group of 97 Egyptian *confessores* from the porphyry mines near Thebes.³¹⁹ As they held on to their faith, he had their right eye plucked out and all tendons in their left foot burnt through, and then he sent them to the Palestinian copper mines as if by Imperial order. There is no doubt that this refers to the law which Eusebius mentions in *h.e.* VIII, 12, 8, so it must have been issued no later than the spring of 308.³²⁰ On 5 November 307, according to Eusebius, Urbanus, Firmilianus' predecessor, had sentenced Silvanus and his followers to the copper mines after he had ordered their ankles severed with red hot iron.³²¹ Given that their eyes were not gauged out, it seems that no law existed at this time to decree a particular method of punishment. Most likely, then, the law was issued early in the year 308.

Eusebius wished to describe "the great persecutions" as one coherent attack which began in the spring of 303 and continued up until the issue of Galerius' edict in 311. The same view shaped the account of the Palestinian

³¹⁸ See I,57.

³¹⁹ See *De mart. Pal* 8,1 (K). Eusebius uses the expression ὡς ἂν ἐκ βασιλικοῦ νεύματος προστάττει. A little later, he states that shortly afterwards a new group of 130 Egyptian *confessores* arrived. In Egypt, they had been subjected based on Maximinus' decree (ἐκ προστάξεως Μαξιμίνου) to exactly the same punishment of destruction of eyes and feet and deportation to the mines, see *cap.* 8,13. So here too, Eusebius connects the use of this type of punishment with Maximinus' law.

³²⁰ Eusebius opens his account of that period with this indication of time: Καὶ εἰς ἕκτον δὲ ἔτος πνεύσαντος ἐπιμόνων τοῦ καθ' ἡμῶν χειμῶνος ... (*cap.* 8,1). This indicates that the sixth year of the persecutions has just begun, and as this runs from the spring of 308 to the following spring of 309, the event must have occurred in the spring of 308. The similar event in Egypt must then also have taken place that same spring.

³²¹ See *De mart. Pal.* 7,3.

martyrs,³²² even if it provided many more details and therefore gave a more varied impression than the church history – it describes, for example, waves of particularly intense attacks. On this basis we must pay particular attention to Eusebius’ statement following his description of the cruelty to the 130 Egyptian martyrs³²³ that a certain slackening occurred in the persecution of the Christians.³²⁴ Unfortunately Eusebius gives very scarce information on this point. He just says that those who had been sentenced to work in the porphyry mines near Thebes experienced some easing of their conditions and more freedom, and Christians generally could breathe more freely.³²⁵ It seems likely, though, that the issue of the “charitable law” – as the Imperial power saw it – which forbade the use of the death penalty *propter nomen* with the Christians formed part of the easing of conditions that they now experienced.³²⁶ From an account that Eusebius gives later of the conditions in the copper mines near Phaeno in Palestine, it also seems likely that the Christians sentenced *ad metalla* were permitted to attend meetings of worship and to accept the help that their free fellow Christians could offer them,³²⁷ and the authorities had also relieved those who were unable to work because of age, handicaps and other illnesses, from the duty

³²² Cf. *Cap.* 13,11: καὶ τοιοῦτος ὁ καθ’ ἡμᾶς διωγμός, ἀρξάμενος μὲν ἀπὸ τῆς τῶν ἐκκλησιῶν καθαιρέσεως, εἰς μέγα δὲ προκόψας ἐν ταῖς κατὰ χρόνους τῶν ἀρχόντων ἐπαναστάσεις ...

³²³ See *cap.* 8,13.

³²⁴ Cf. *Cap.* 9,1: Ἐπὶ δὴ τοῖς τοσοῦτοις τῶν μεγαλοπρεπῶν Χριστοῦ μαρτύρων ἀνδραγαθήμασι λωφισίας καὶ ὡς ἂν εἰ τοῖς ἱεροῖς αὐτῶν αἵμασι τῆς τοῦ διωγμοῦ πυρκαϊᾶς ἀποσβεννυμένης ...

³²⁵ Cf. *ibid.*: ἀνέσεως τε ἤδη καὶ ἐλευθερίας τοῖς ἐπὶ Θηβαΐδος εἰς τὰ αὐτόθι μέταλλα διὰ Χριστὸν καταπονουμένοις συγκεχωρημένης μικρὸν τε καθαροῦ μελλόντων ἡμῶν ὑπαναπνεῖν ἄερος. The *metalla* near Thebes mentioned here are the quarries by *Mons Porphyrites*, the only place in the Roman Empire where porphyry was mined. See on this point Richard Delbrueck, *Antike Porphyrwerke* 1 ff. and 10 ff.

³²⁶ *De mart. Pal.* 9,1 (K) says that the fire of the persecutions was being extinguished by the holy blood of the Christian martyrs, but the longer version, which only exists in Syrian, says, “But the fire of persecution lessened a little towards us, the sword having been satiated with the blood of the holy martyrs...” (Cureton’s translation). Both versions are strikingly similar to *h.e.* VIII,12,8, in which Eusebius writes that the provincial governors, exhausted by their overwhelming cruelty and utterly tired of killing and fully satiated from their blood thirsty punishments, turned ἐπὶ τὸ νομιζόμενον αὐτοῖς χρηστὸν καὶ φιλόανθρωπον. Meaning that by Imperial order they stopped administering the death penalty to the Christians. It is therefore very likely that the the issue of the Imperial power’s “charitable law” formed part of the easing of conditions that the Christians experienced.

³²⁷ See *De mart. Pal.* 13,1 (K).

to work in the mines and let them stay in areas designated for their use.³²⁸

The easing which the Imperial power granted the Christians, probably took effect early in the year 308.³²⁹ Eusebius provides no information to explain why this new situation arose. If the issue of the “charitable law” forms part of a more lenient treatment of the Christians, we may deduce the motive to have been a wish of the Imperial power to remove all conditions that provided the Christians with a basis for accusing them of cruelty. There was a wish, in other words, of closing the gap that had opened between the Imperial power and the Christians as a result of the bloody persecution – in this as in other similar cases the martyrdoms had fed an eschatological and apocalyptic perception of Roman rule as a power hostile to God, even as a tool of the Antichrist.³³⁰ The milder approach did not, however, in any way mean that the Roman rule intended to tolerate the Christians. It occurred simply in recognition of the fact that bloody violence did not have the desired effect – the Christians should be won over to heathendom through peaceful means. Just as Maximinus appears as the most likely author of “the charitable law”, our knowledge of his aversion to bloodshed makes it likely that he is also responsible for the easing of the Christians’ conditions.³³¹

³²⁸ See *cap.* 13,4 (K).

³²⁹ Chronologically, Eusebius offers us no specific point of reference, but he places the easing of the Christians’ conditions in his account of the events that occurred in the sixth year of the persecutions – this section includes *cap.* 8,1-10,1 which goes from the spring of 308 to the following spring of 309. If we assume that the Emperors’ “charitable law” was the first measure taken to better conditions for the Christians, the improvement must have begun early in the year 308.

³³⁰ H. Grégoire claimed that the persecution stopped for purely political reasons: “C’est seulement pendant une courte période, ou Maximin cherchait à manifester par tous les moyens son mécontentement à son Auguste Galère que la persecution parut se calmer en Syrie, en Palestine et en Egypte. Maximin, en effet, comme le dit Lactance, refusait de se satisfaire de titre de César. ...it marqua son “independence” en prenant sur lui d’atténuer les mesures de rigueur, ce qui pouvait le rendre sympathique aux sujets chrétiens de Galère”. (*Revue de l’Université de Bruxelles*, XXXVI, 241). Several scholars have subscribed to this explanation, but it is wrong. It has no basis in the sources. Moreover, Maximinus’ attachment to heathen faith was so genuine and deep-felt that it is inconceivable that he would try to win over the Christians to gain a political advantage. Finally, it is an anachronism to believe that the Christians could be used politically by the various rulers. For details, see p. 145 f.

³³¹ It is possible that Maximinus learnt about the provincial governor’s cruel treatment of the Christians from investigation into the provincial governor Urbanus’ administration held in Caesarea under his chairmanship, see *De mart. Pal.* 7,7. This must have taken place after 5 November 307, when Urbanus sentenced Silvanus and his followers (*cap.* 7,3), but before the end of “the fifth year of the persecutions”, in other

From Eusebius' account it appears that the Christians regarded the government's more liberal approach to them as a first sign of the complete cessation of the persecutions. Therefore a new law from Maximinus took them completely by surprise.³³² It decreed that all decaying temples should be reconstructed in all haste and that all men, women and children, free as well as enslaved, must be made to sacrifice to the gods and even to taste the sacrificial meat.³³³ Moreover, it was decreed that all merchandise offered for sale in the market squares must be sprinkled with sacrificial libations, and guards must be posted by the *thermae* to ensure that visitors sacrificed to the pictures of the gods.³³⁴

The Imperial power placed great emphasis on the implementation of this edict. Not only was it posted everywhere, but the provincial governors and the military commanders sent letters to *curatores*, *duumviri* and *tabularii* ordering them to implement the edict.³³⁵ This probably meant that the city

words no later than the early spring of 308. The short version simply states that Maximinus sentenced Urbanus to death μετὰ πολλήν τὴν ἐφ' οἷς ἐξηλέγχετο ἀποπήμασιν αἰσχύνῃν (*cap.* 7,7). In the longer version – and this section also exists only in Syrian – however, the following passage occurs: “For suddenly and immediately and not long after, because of his daring cruelty, the righteous Justice of God visited him and took grievous and bitter vengeance upon him. And he who seated aloft upon a tribunal in his pride and attended by his escort of military, boasting and exalted as *praeses* over all the province of Palestine, in a single night by this same Justice was stripped of all his state and, as it were, deprived of all his dignities. And in this our city, in which he committed all those wicked acts described above, by a sentence of Maximin, an impious man like himself, he was delivered up to a miserable death” (Cureton's translation). This can only mean that Urbanus was convicted also because of the cruelties he had committed towards the Christians. The complete silence of the short version and the subtle hints of the long version reflect Eusebius' wish to avoid any clear declaration that Maximinus had convicted a provincial governor for his treatment of the Christians. Such a declaration would destroy the picture that he wished to give to his readers of Maximinus as a tyrant and the worst of all persecutors of Christians.

³³² Cf. *De mart. Pal.* 9,2 ἀθρόως δ' οὖν αὐθις Μαξιμίνου διαφοιτᾶ καθ' ἡμῶν πανταχοῦ γράμματα ...

³³³ The text of the law is no longer extant, but Eusebius reports its contents in *De mart. Pal.* 9,2.

³³⁴ Eusebius simply writes: πρόσθεν δὲ τῶν λουτρῶν ἔφεδροι κατατάσσονται, ὡς ἂν τοὺς ἐν τούτοις ἀποκαθαιρομένους ταῖς παμμιάροις μολύνειεν θυσίαις (*cap.* 9,2). This can only mean that admission to the *thermae* was granted only to those who sacrificed to the statues of the gods and thereby to the pictures of the emperors.

³³⁵ Cf. *De mart. Pal.* 9,2 (K): τε κατ' ἐπαρχίαν ἡγεμόνες [καὶ προσέτι ὁ τῶν στρατοπέδων ἄρχειν] ἐπιτεταγμένος προγράμμασι καὶ ἐπιστολαῖς καὶ δημοσίαις διατάγμασι τοὺς ἐν ἀπάσαις πόλεσι λογιστὰς ἅμα στρατηγοῖς καὶ ταβουλαρίοις ἐπέσπερχον τὸ βασιλικὸν εἰς πέρας ἄγειν πρόσταγμα. ὁ τῶν στρατοπέδων ἄρχειν presents a problem. Apparently, it refers to a military *dux*, in which case it is probably *dux Palaestinae*. He

councils were told to pay for the building of the temples and the expanded temple services.³³⁶ *Tabularii* were responsible for the lists of inhabitants, their inclusion must mean that they were meant to use the lists to ensure that every single citizen fulfilled the duty to sacrifice and prescribed by the Imperial power.

The law reiterated the general demand for sacrifice from 306. Other initiatives were new, i.e. the demands to renovate the decaying temples, and to make the gods, as it were, part of all trading and all visits to the *thermae*. The decree could only be perceived by the Christians as a tightening of Imperial demands on them. The law reintroduced the duty to sacrifice to the heathen gods, but it also added the demand to eat the sacrificial meat.³³⁷ Finally, the Christians faced serious social problems because the edict in reality excluded them from trading at markets and from using the public baths. It is understandable, therefore, that Eusebius saw the edict as directed against the Christians. Its scope was, however, much wider. It was designed primarily to resurrect heathen worship by reconstructing the temples and by demanding of the heathens that they made worship of the gods a part of their every-day lives.³³⁸

must have written to the cities then to inform them that soldiers would be made available to work on the reconstruction of the temples and to help implement the law generally. But it might be the *praefectus praetorio* even though he is mentioned, quite unusually, after the provincial governors and not before. It is obvious, though, that the reference to the military leader appears quite unmotivated and actually destroys the continuity of the present text. The passage may have been inserted because the edict of 306 also required the participation of the armed forces – the assumed insertion appears in brackets. The longer version of this passage exists only in Syrian and its confused structure can only mean that the text is corrupt, “But the scourge of God fell heavily on Maximin, the wicked tyrant, to punish all the evil deeds, wherein – to teach him – he had as demonstrators and prompt ministers the governors of the district, and the *dux* who was the chief of the army of the Romans” (*cap.* 9,1. Cureton’s translation). Here, the most likely reference would be to the *praefectus praetorio*.

³³⁶ As the temples were reconstructed, services also expanded and created a need for more priests.

³³⁷ The edict of 306 obviously saw no need to mention that sacrificers must eat the sacrificial meat – that was common practice. There must be a special reason, then, why the Imperial decree specifically emphasises that all θύειν καὶ σπένδειν αὐτῶν τε ἀκριβῶς τῶν ἐναγῶν ἀπογεύεσθαι θυσιαῶν ἐπιμελὲς ποιοῦντο (*cap.* 9,2). The most likely explanation is that eating the sacrificial meat provided proof that people had fulfilled their duty to sacrifice.

These were in reality new signals in the religious policies of the Imperial power. The objectives remained the same, namely to make sure that the entire population of the Roman Empire worshipped *di immortales*. The anti-Christian legislation of the tetrarchy had accepted that the demand had been fulfilled when the Christians were forced to worship the gods of the Roman Empire along with the rest of the population, but that no longer sufficed. The edict itself reflected a growing realization that the heathen gods no longer occupied a natural place in the life of the citizens and that worship no longer united the population of the Roman Empire. Decaying temples and neglected services provided clear evidence of the situation.³³⁹ So temples must be reconstructed and signs of the gods' existence must be reintroduced into daily life. Only resurrected paganism could provide genuine opposition to the church and eliminate its importance.³⁴⁰

If we follow Eusebius' account in his work on the Palestinian martyrs which mentions only this new edict, it must have been issued in the sixth year of the persecutions.³⁴¹ Having first discussed the contents of the edict, Eusebius then mentions that Antoninus, Zebinas and Germanus suffered martyrdom on 13 November,³⁴² so the edict must have been issued in the autumn of 308. Eusebius took it for granted that Maximinus had issued the edict. That could be the case. Galerius did have supreme control of all legislation, but the decree that Eusebius attributes to Maximinus may not

³³⁸ H.J. Lawlor & J.E.L. Oulton quite rightly emphasised this: "It was a call to the heathen to observe the customs, so generally neglected, of their nominal religion...it was calculated to bring before the heathen at all seasons the claims of the gods" (*Eusebius* II, 330).

³³⁹ Contemporary sources confirm this assessment of the status of heathen religion, see *Christus oder Jupiter*, 135 f.

³⁴⁰ H.J. Lawlor & J.E. Oulton were the first to point out this aspect, but they exaggerate when they write, "Thus we find throughout the whole edict the purpose of reestablishing paganism on a firm basis. Henceforth the war against Christianity was to be waged on new lines. It was not to be so much a conflict between the State and the Church, as a conflict between the old religion and the new. To fit it for the contest paganism must be renovated and strengthened. That was the primary aim of the edict" (*Eusebius* II, 330). This account reflects too strongly Maximinus' later religious policies. The Imperial decree can only be seen as a foreshadowing of these.

³⁴¹ In *De mart. Pal.* the account of the sixth year of the persecutions comprises *cap.* 7,8-10,1.

³⁴² See *cap.* 9,4-5.

have been an edict in the strict legal sense of the word.³⁴³ Given that it merely repeats the demand for sacrifice from the edict of 306, it could be seen as a decree that merely specifies the ways in which this general duty to sacrifice should be implemented. Individual emperors, as we have seen, always had the right to issue independent administrative decrees within the framework of the legislation which only the *maximus augustus* had the authority to produce. We do know for certain, though, that Galerius issued the law on the new types of punishment for the Christians, so we may still assume that he was the author also of the new law. It was certainly no less far-reaching, placing as it did significant financial demands on the cities and most likely also the Imperial purse through its insistence on the reconstruction of the temples.

But even though Galerius did issue this law, we can be certain that it came into being ultimately on Maximinus' initiative. This is the only explanation for the hints given here of the new independent religious policies that Maximinus developed towards the end of the year 311. The accuracy of this assumption is confirmed by the issue of coins in the areas controlled by Maximinus. Several series of coins showed a picture of an altar with a sacrificial fire intended as a reminder to the entire population of their duty to sacrifice to the gods.³⁴⁴ In addition to Jupiter and Hercules, the favourite gods of the tetrarchy, we also find the insignia of *Sol Invictus* and *Sarapis*.³⁴⁵ This must be seen as an attempt to increase exposure and recognition for the official gods of the Roman Empire by showing them as identical with gods that were much more widely known and popular in the East, all these being clear signs that the resurrection of paganism was essential to Maximinus.

Eusebius states that he does not know what made Maximinus resume the persecution of the Christians.³⁴⁶ The answer to this question, however, has

³⁴³ *cap.* 9,2 uses γράμματα. No significance should be attached, though, to the various terms used by Eusebius to denote Imperial decrees. The distinctions between different kinds of law and decrees were already imprecise, and Eusebius moreover uses them completely at random.

³⁴⁴ Cf. J. Maurice, *Numismatique Constantienne* III, XII ff.

³⁴⁵ See II, 16 f.

³⁴⁶ Cf. *De mart Pal.* 9,1 (K) οὐκ οἶδ' ὅπως ἔκ τινος ἀνακινήσεως πάλιν ἐξ ὑπαρχῆς ὁ τοῦ διώκειν τὴν ἐξουσίαν εἰληχῶς κατὰ Χριστιανῶν ἀνεκάετο. This does not appear in the long version which carries the passage quoted in note 336 above. Given the reservations created by its corrupt nature, the passage seems to say that Maximinus had experienced troubles which he reacted to following his civilian and military advisors by resuming the persecution of the Christians. So the long version attempts to explain the events that Eusebius confesses in the short version that he cannot explain. The latter

no basis other than the contents of the Imperial edict itself. It aimed, as we have said, to place *di immortales* firmly in the minds of the people to encourage their worship. This new element in tetrarchan religious policies reflected a clear recognition of the inadequacy of previous approaches: the church had not been destroyed, and more or less unsuccessful attempts to make the entire population of the Roman Empire worship the gods had only served to show that such worship was no longer perceived as natural. This recognition made it necessary to create religious policies that went to the core of the problem by aiming to resurrect paganism and worship of its gods. The easing in the Christians' conditions could have been caused not only by a wish to stop the use of bloody violence but also by need to find new approaches to replace old religious policies. When the lull in the persecutions of the Christians came to an end, it could mean that the authorities had found new constructive religious policies which could unite the entire Roman Empire in worship of its gods.³⁴⁷

According to Eusebius the publication of the new Imperial law created great disquiet and fear among the Christians who now experienced troublesome times yet again.³⁴⁸ Eusebius gives no concrete details, but he embarks on accounts of several martyrdoms of the period that followed. Apparently, these martyrdoms had no direct link to the implementation of the demand to sacrifice in the new law.³⁴⁹ In any case, there were few martyrdoms.

must then be seen as the original.

³⁴⁷ This new strategy in religious politics must no doubt have been the product of discussions between Maximinus and his personal advisors. This is probably suggested in *De mart. Pal.* 9,3 (L), cf. the quotation in note 336 above.

³⁴⁸ Cf. *De mart. Pal.* 9,3 (K): τούτων δῆτα οὕτως ἐπιτελουμένων ἐξ ὑπαρχῆς τε τῶν ἡμετέρων πλείστη, οἷα δὴ εἰκὸς ἦν, φροντίδι συνερχομένων ... μεγίστου τε χειμῶνος τοῖς πανταχῆ πασιν ἐπηρητημένου ... The longer version, which also exists only in a Syrian translation, describes the new persecutions as the worst ever. It says for example, "So a mighty storm and tumult, the like of which had never been before, distressed all of us in every place, and the souls of all were set in distress and vexation" (Cureton's translation). The account in the long version must be considered of only secondary importance because it represents further attempts to dramatize the extent and intensity of the persecutions.

³⁴⁹ Antonius', Zebinas' and Germanus' martyrdoms occurred because they prevented the provincial governor Firmilianus from conducting a public sacrificial ceremony – he reacted promptly by ordering their decapitation, see *cap.* 9,4-5. The reason for the death penalty was, in other words, their provocative, rebellious behaviour towards the authorities. Ennathas' martyrdom resulted from a private act by an army tribune which made Firmilianus sentence her to death by burning when she refused to give up her Christian faith, see *cap.* 9,6-8. There are no accounts of the other martyrs that suggest that they died because they had refused to appear and fulfil the general demands for sacrifice. The Egyptian Christians who were martyred in Palestine were probably convicted be-

Moreover, the persecutions of the Christians abated in the spring of 310³⁵⁰ – the two last martyrdoms occurred in the provincial capital of Caesarea on 5 and 7 March respectively.³⁵¹ Only those Christians sentenced to penal servitude in the copper mines of Palestine experienced renewed persecutions. They culminated when 40 people including as the most prominent person Bishop Silvanus of Gaza were decapitated on 4 May 311.³⁵²

cause they were seen as potential political rebels. For more information, see note 353 below.

³⁵⁰ Cf. *Cap.* 13,1 (K) Ἐβδομὲν ἔτος τοῦ καθ’ ἡμῶν ἀγῶνος ἠνύετο, καὶ πῶς ἡμέρα τῶν καθ’ ἡμᾶς ἡσυχῆ τὸ ἀπερίεργον εἰληφότων ...

³⁵¹ See *cap.* 11,29-30 (K).

³⁵² The lenient course set by the Imperial power towards the Christians sentenced *ad metalla*, seems to have been maintained. Old and invalid prisoners were still exempt from work in the mines (cf. *De mart. Pal.* 13,4). The many *confessores* even enjoyed religious freedom to the extent that they could build churches and organize congregations (cf. *cap.* 13,2). According to the short version (*cap.* 13,1 and 2) the provincial governor appeared and when he had examined the Christians’ conditions, he reported to Emperor Maximinus. Then ὁ ἐπιστὰς τοῖς μετάλλοις – presumably the *procurator metallorum* – arrived and according to the Emperor’s wish, the Christians were divided into smaller groups and sent to various locations in Cyprus, Lebanon and Palestine where they were given hard labour. Four men who were regarded as the leaders – including the Egyptian bishops Peleus and Nilus – were sentenced to burning at the stake by the local military *dux* because they refused to abjure their faith (*cap.* 13, 3). The long version has a similar account, but it concerns 150 *confessores*, some hundred of whom were Egyptians, the rest Palestinians. They gathered in Zoar near Phaeno where the copper mines were located. Active congregations developed here. Others gathered around the convicted Christians to help them with everything they needed, both physically and spiritually. But as “he who hated God and was jealous of goodness” could not bear this, a *dux* was sent to the copper mines to break up the Christians and distribute them to other locations. In this context, the most significant difference between the two versions is that the long text contains no direct reference to Maximinus. The phrase “he who hated God and was jealous of goodness” could refer to Maximinus but it might also indicate the Devil. It is impossible to choose between the two versions. If we took the short version – in most cases the better – we accept the following account: the provincial governor in Palestine has examined conditions in Phaeno and must have reported to the Emperor with a query if action should be taken against the Christians. No motive is given for this initiative. Immediately before this, however, Eusebius tells (*cap.* 11,5-13) of the authorities capturing a number of Egyptian Christians who were on their way to Kilikia to bring help to their Christian compatriots who worked in the mines there. The Egyptian prisoners were taken to Firmilianus who questioned them under torture. Their spokesmen said that they came from the city of Jerusalem and made the provincial governor believe that the Christians had established an anti-Roman πόλις (*cap.* 11,12). More torture produced no clear information on the location of this city, so Firmilianus

Judging from Eusebius' account of the conditions in Palestine, Maximinus' renewed suppression of the Christians lasted only a short time. We have no way of knowing to what extent the other rules of the Imperial decree were implemented. In many places, there has probably been little inclination to do so, maybe because of the financial burdens that would follow the order to reconstruct the decaying temples. It could also be that the general demands for sacrifice and the new stringent measures in market places and public baths were difficult to implement. Finally, it could be because of a general lack of interest and appreciation of the need to resurrect paganism and, in conjunction, suppress Christianity. This last motive appears in Eusebius' account that the heathens found Maximinus' decree burdensome, superfluous and unreasonable,³⁵³ just as they reacted to the rough and brutal treatment of the Christians.³⁵⁴

These various motives have no doubt been at work simultaneously and meant that the persecutions of the Christians if not ceased then eased in the spring of 310. In spite of the new signals, then, the objects again were not

had them decapitated. His official reason must have been *contumacia*, obstinate and provocative behaviour towards the authorities. In addition, though, there must have been fear of a political conspiracy threatening the peace and security of the Roman Empire. There were reasons for this fear in the eyes of the Roman authorities. Among the *confessores* and their followers a powerful eschatological-apocalyptic mood generated the same perception to the Roman authorities as the apocalypse in St John. The reality of this fear of the Christians as politically dangerous also explains the otherwise odd fact that all Christians stopped on their way to the *metalla* where the Christian prisoners worked, were arrested on the spot. The only reason for this must be an order that they must be imprisoned immediately – and the motive must have been the prevention of a political conspiracy against the Roman authorities. On the basis, it is understandable why the authorities were on their guard and viewed the situation in the copper mines at Phaeno with some concern – the gathering of Christians could easily appear as the beginnings of a political rebellion. At the same time, though, Maximinus had decreed lenient treatment of the Christians sentenced *ad metalla*. Therefore it was necessary to turn to the Emperor and request instructions. He answered that the leaders must be executed and the rest of the Christians dispersed. This would kill any attempts to open a political rebellion at its start. The Egyptian martyrdoms in Palestine, then, had political rather than religious motives.

³⁵³ Cf. *De mart. Pal.* 9,3: τῶν τε ἀπίστων ἐθνῶν βαρεῖαν τῶν γινομένων καὶ ὡς ἂν περιττὴν ἤδη τὴν ἀτοπίαν καταμεμομένων.

³⁵⁴ Firmilianus forbade the burial of the martyrs' dead bodies, and that decision also lacked support among the heathens – but Eusebius admits that οὐχ οὕτω τὴν συμφορὰν εἰς οὓς ἐπράττετο ταῦτα, ὡς ἐπὶ τῇ σφῶν αὐτῶν καὶ τῆς κοινῆς ἀπάντων ὑβρεὶ φύσεως ἀπολοφυρομένων (*cap.* 9,10).

met. The church still existed, and attempts have failed to activate paganism and make the citizens of the Roman Empire understand the need to worship *di immortales*. The realization of this situation must have led to new deliberation on methods to realise the objectives of the Imperial religious policy. The widespread apathy among large groups of heathens could only emphasize the need for the resurrection of paganism as a crucial precondition for effective abolition of Christianity. Before these deliberations had generated practical policies, however, Galerius had created a new situation in the relationship of the Imperial authorities to the church. This happened in April 311 when he issued an edict granting the Christians the right to exist within the Empire. Before we discuss this and examine Maximinus' reaction, we need to describe the political situation in the Roman Empire as it had developed since the abdication of Diocletian and Maximianus in 305. This is necessary in order to understand the nature of the conflicts that developed in the Empire and that influenced Maximinus' own political position and ultimately also his religious policy.

Chapter III

THE DECLINE AND COLLAPSE OF THE TETRARCHY

1. Galerius and Constantine

As soon as Diocletian had dressed Maximinus in *vestis purpurea* on Jupiter Field outside Nicomedia on 1 May 305, he had left for his *patria*.¹ Apparently, Diocletian could retire with a clear conscience and enjoy his retirement in the splendid palace that he had had built in *Salona* on the Adriatic coast. He had established firm structures for the Imperial government and through the election of new *caesares* he had made sure that a strong and united Imperial leadership could maintain and develop his *restauratio imperii Romani*.

When establishing the new tetrarchy Diocletian had probably assigned individual rulers specific areas of the Roman Empire as their special area of responsibility.² In the west, Constantius, as *augustus*, was given Spain along with Gaul and Brittany, while his *Caesar* had Italy and Latin North Africa. Galerius, as *augustus* of the East received Illyricum, Thrace and all of Asia Minor, while Maximinus as already mentioned was given *partes Orientis*.³ This division also implied that the rulers were given authority over the armed forces placed in the areas assigned to them.⁴

We know that Constantius was *maximus augustus*⁵ and thus the real leader of the government as Diocletian's successor. Given that Diocletian

¹ See *De mort.* XIX,5-6. According to Lactantius, Diocletian was made *veteranus rex* which meant that he had resumed his original name *Diocles* (cf. *ibid.* and *cap.* I,11). This is not so, because all coins and inscriptions called him *senior augustus* and continued to use his name *Diocletianus*.

² We may deduce this from reports in several of our sources such as *Eutrop.* X,1 and 2, *Aur.Vict Lib de caes.* 40,1, *Anan. Val.* 3,5 and *Zos.* II,8,1 that the Roman Empire had been divided among the individual emperors. Lactantius also assumes that the Empire was divided among the four rulers. The sources disagree, however, in identifying the areas of the Empire for which individual emperors were responsible. We hear of no disagreement or conflict whatsoever among the emperors over the distribution of areas, so we can probably assume that Diocletian had settled this issue too when he took care of the Imperial succession.

³ Cf. O. Seeck, *Untergang der antiken Welt* I, 42, E. Stein, *Histoire du Bas-Empire* I, 124 and J.-R. Palanque, *Collégialité et Partages dans l'Empire Romain aux IV^e and V^e siècle* in *Revue des Études Anciennes* XLVI (1946), 37 ff.

⁴ This meant that Maximianus' troops were transferred to Severus, cf. *De mort.* XXVI,6.

⁵ See *De mort.* XX,1.

had created the new tetrarchy and as *senior augustus* lent it his authority, we would assume that it would work satisfactorily.

Lactantius reports on tensions, however, which were so intense that the tetrarchy in reality existed in name only. Galerius was responsible for this development. When he had forced Diocletian and Maximianus to abdicate and had accomplished the election of Severus and Maximinus as *caesares*, he appeared as the true ruler of the Empire.⁶ Officially, he had to acknowledge Constantius as *maximus augustus* but it signified little as he regarded him as an weak and ailing man.⁷ Galerius allowed him to remain on the throne for the time being, because he could always have him deposed with the help of his obedient tools Severus and Maximinus, if Constantine did not die soon enough.⁸ All Galerius' plans for the future were clear. Licinius, an old comrade in arms and a fine soldier whose advice he sought in all matters of government, was to succeed Constantius as *augustus*.⁹ So Galerius could act entirely as he wished and reliable successors would ensure that he could enjoy a safe and quiet old age when he abdicated once he had celebrated his *vicennalia*.¹⁰

Obviously, this account serves to characterize Galerius as a tyrant who was motivated only by his lust for power and his private interests and had no thought for the welfare of the Empire¹¹ – therefore he was no loyal, not to mention worthy, representative of the tetrarchan form of government created by Diocletian. This is warning enough against taking Lactantius

⁶ Cf. *cap.* XX,1: *Maximianus [Galerius] postquam senibus expulsis quod voluit effecit, se iam solum totius orbis dominum [esse] ferebat.*

⁷ Cf. *Ibid.*: *Nam Constantium quamvis priorem nominari esset necesse contemnebat, quod et natura mitis esset et ualitudine corporis impeditus.*

⁸ See *cap.* XX,2.

⁹ Cf. *Cap.* XX,3: *Habebat ipse Licinium ueteris contubernii amicum et a prima militia familiarem, cuius consiliis ad omnia regenda utebatur, sed eum Caesarem facere noluit, ne filium nominaret, ut postea in Constantii locum nuncuparet Augustum atque fratrem.*

¹⁰ See *cap.* XX,4. When Galerius abdicated he would make his son Candidianus, who was nine in 305, *caesar*. According to his plan, the college of emperors would then consist of Licinius and Severus as *augusti* and Maximinus and Candidianus as *caesares*.

¹¹ Lactantius has given a complete account of Galerius' rule *cap.* XXI-XXIII just after mentioning Diocletian's abdication. Lactantius' assessment comes across very clearly in the introductory sentences of this account: *Adeptus igitur maximam potestatem ad uexandum orbem, quem sibi patefecerat, amimum intendit. Nam post deuictos Persas, quorum hic ritus, hic mos est, ut regibus suis in seruitium se addicant et reges populo suo tamquam familia utantur, hunc morem nefarius homo in Romanam terram uoluit inducere (cap. XXI,1-2).*

uncritically at his word. Moreover, a number of details make it clear that this is a free composition devised by himself. A discrepancy thus exists when the account claims both that Galerius already had *maxima potestas* to ravage the world¹² and that he would only possess that after Constantius' death.¹³ The explanation why Licinius was not elected *caesar* in 305 also appears far-fetched¹⁴ and clearly reveals its late date in the fact that Licinius was not chosen as *augustus* when Constantius died in 306. It also seems remarkable that Galerius, who respected the principle of seniority by making Severus *augustus* in the West after Constantius' death, completely ignores that on this occasion.¹⁵ This did not happen till the conference in Carnuntum. Finally, it also seems surprising that Galerius, who had sought world domination so eagerly,¹⁶ planned to abdicate only eight years after he had achieved it, i.e. in 312. For these reasons alone, Lactantius' account in *cap.* XX must be given no historical validity.

Unfortunately, the rest of our sources contain no material to illuminate Constantius' reign as *maximus augustus*. It is remarkable, though, that the incontestable information on, for example, the appointment of consuls and the striking of coins contain no hint of a disagreement or conflict between the members of the Imperial college. Everything indicates, then, that the so-called second tetrarchy, which lasted from Diocletian's abdication on 1 May 305 to Constantius' death on 25 July 306 worked entirely as intended.

Lactantius reports, however, that a conflict had existed between Galerius and Constantius in the matter of Constantine. Constantius had asked Galerius in vain to send over his son, who was at Galerius' court. At last, when he was ill, he repeated the request in writing.¹⁷ By then, Galerius had tried several times to have Constantine killed without success, Lactantius reports, because God protected him. These assassination attempts by Galerius had occurred in extreme secrecy to avoid a civil war and prevent the soldiers from directing their hatred at him because of Constantine's popularity.¹⁸ When he received Constantius' letter he wished again to appear

¹² Cf. *Cap.* XX,1 and XXI,1.

¹³ Cf. *Cap.* XX,4.

¹⁴ Galerius did not appoint Licinius *caesar* because he wanted to avoid calling him *filius* as a consequence of adoption, see *cap.* XX,3.

¹⁵ Licinius is mentioned before Severus in *cap.* XX,4, and that must imply that he had *titulus primi nominis*.

¹⁶ Cf. *Cap.* XVIII,5: *At ille, qui orbem totum iam spe inuaserat ...*

¹⁷ Cf. *Cap.* XXIV,3: *Qui cum grauiter laboraret, miserat litteras, ut filium suum Constantinum remitteret sibi videndum, quem iam dudum frustra repetierat.*

¹⁸ Cf. *Cap.* XXIV,4-5: *Nam et in insidiis saepe iuuenem adpetiuerat, quia palam nihil audebat, ne contra se arma ciuilia et, quod maxime uerebatur, odia militum concita-*

sympathetic by giving Constantine the desired permission to travel immediately – in reality he had made plans to prevent him from reaching his father.¹⁹ Constantine knew of Galerius' real intentions, so he left in secret that same evening, and by killing the post horses along the way, he made all pursuit impossible. Only at noon the following day, when he woke up, did Galerius realize with dismay what had happened.²⁰ In the meantime, Constantine had reached his father's deathbed with remarkable speed. Constantius could therefore recommend his son to the army and pass him the *imperium* before he died.²¹

Even though *Anonymus Valesianus* carries a similar account,²² it is difficult to accept Lactantius' report in its present form. If Galerius really feared Constantine as a potential danger, he would have dealt with him swiftly and effectively, given Lactantius' description of him as a wild and irascible man.²³ He was, again according to Lactantius, the real ruler so he could do precisely what he wanted. He had no need to worry about Constantius who was just a weak and ailing man. After his victorious Persian

ret, et sub obtensu exercitii ac lusus feris illum obiecerat, sed frustra, quoniam dei manus hominem protegebat.

¹⁹ Cf. *Cap. XXIV,5: praecepitque, ut postridie mane acceptis mandatis proficisceretur, uel ipse illum occasione aliqua retenturus uel praemissurus litteras, ut a Seuero teneretur.*

²⁰ Cf. *cap. XXIV,7: Postridie imperator cum consulto ad medium diem usque dormisset, uocari eum iubet. Dicitur ei post cenam statim profectus. Indignari ac fremere coepit. Poscebat equos publicos, ut eum retrahi faceret. Nudatus ei cursus publicus nuntiatur. Vix lacrimas tenebat.*

²¹ *Cap. XXIV,8: At ille incredibili celeritate usus peruenit ad patrem iam deficientem, qui ei militibus commendato imperium per manus tradidit.*

²² *Anon. Val. 2,2-4: ...obses apud Diocletianum et Herculii, Constantius a Galerio repetit: sed hunc Galerius obiecit ante pluribus periculis, nam et in Sarmatas iuuenis equestris militans ferocem barbarum capillis tentis raptum, ante pedes supplicem Galerii imperatoris adduxerat, deinde Galerio mittente per paludem equo ingressus suo, uiam ceteris fecit ad Sarmatas, ex quibus plurimis stratis Galerio uictoriam reportauit, tunc eum Galerius patri remisit, qui ut Seuerum per Italiam transiens uita- ret, summa festinatione ueredis post se truncates Alpes transgressus ad patrem Constantium uenit apud Bononiam....* Thus *Anon. Val.* states explicitly what seems to be merely assumed by Lactantius, namely that Constantine was held hostage. We should note, too, that Galerius does not appear as the sole transgressor. The dramatic slaughter of the post horses is restricted here to the journey in Italy and motivated by his wish to prevent Severus from pursuing him.

²³ Cf. *De mort. IX,2: Inerat huic bestiae naturalis barbaries efferitas a Romano sanguine aliena, and 4: Denique et uerbis et actibus at aspectu terrori omnibus ac formidini fuit.*

campaign, Galerius' military position was so strong that he had no reason to fear armed insurrection,²⁴ and his reputation among the soldiers was so great that there was no chance they would oppose him just because of a young military tribune. If Galerius had kept a close watch over Constantine as politically dangerous, it is also difficult to imagine that he could have escaped that easily. To suggest that Constantine's escape succeeded because he killed the horses in *cursus publicus* is obviously grotesque and unlikely. Lactantius' account in its present form must be rejected as legendary.

On the other hand, some of Lactantius' account is confirmed and even substantiated in a *panegyricus* given for Constantine in 310. It reports that he had joined his father in Brittany with extraordinary speed just as he was shipping out with his troops for England.²⁵ Even though the panegyrist does not mention Constantius' request to Galerius to send Constantine, or Galerius' attempts to stop him, his account seems to imply that Constantine's journey to his father met with some complications. It is no coincidence that the panegyrist emphasizes Constantine's almost divine speed and his father's joy at seeing his son. Lactantius and the heathen panegyrist also agree that Constantine enjoyed divine protection and that his father wished to transfer *imperium* to him.²⁶ They both see Constantius as a representative of the dynastic principle, and the entire account of Constantine's miraculous arrival at Constantius' court serves just the one purpose of showing how his father transferred *imperium* to his son in accordance with this principle of succession.

It is difficult to doubt that both Lactantius and the panegyrist give their accounts against a background of unusual events that fascinated their contemporaries. That must be the reason why we find the same theme being discussed in a number of other sources, albeit from a very different perspective. Zosimos is a case in point. He says that Constantine left his place of sojourn – no name is given and Galerius is not mentioned either – and by mutilating the *cursus publicus* horses at every station, he prevented his pursuers from catching up with him and managed in this fashion to reach

²⁴ According to *De mort.* XVIII,1 and 6, Galerius prevailed against both Diocletian and Maximianus in the winter of 304-305 by threatening to start a civil war, so it seems odd that he should fear such a war only a few months later.

²⁵ Cf. *Paneg.* VII (310),7,5: *Iam tunc enim caelestibus suffragiis ad salutem rei publicae uocabaris, cum ad tempus ipsum quo pater in Britanniam transfretabat classi iam uela facienti repentinus tuus aduentus inluxit, ut non aduectus cursu publico, sed diuino quodam aduolasse curriculo uidereris.*

²⁶ Cf. *cap.* 8,2: *Di bon, quanta Constantium Pium etiam in excessu suo felicitate donastis! Imperator transitum facturum in caelum uidet quem relinquebat heredem.*

his father's deathbed.²⁷ This escape, according to Zosimos, was motivated solely by Constantine's wish to secure the status of *caesar* for himself.²⁸ It was obvious to everybody that he was obsessed with his lust for power after Severus and Maximinus had become *caesares*.²⁹ Aurelius Victor, who offers a broadly identical account, says that the reason for Constantine's flight from Galerius' court was his *ardor imperitandi*.³⁰ Unfortunately, we find no further hints.

When comparing the sources quoted here, we see that by and large they agree that Constantine stayed at Galerius' court and under his direct surveillance, but he left in great haste and without Galerius' knowledge to go to his father. They disagree whether this dramatic journey was the product of Constantine's filial obedience to his father's wish to see him and made necessary at the same time by Galerius' attempt to kill him, or a high-handed action resulting from lust for political power. This point requires clarification.

We know that Constantine did not announce the dynastic principle of succession till 310.³¹ For that reason we must side with Lactantius and the panegyrist of 310 in refusing to accept the suggestion that Constantius summoned his son to pass *imperium* to him – the legal heir. We also need to ask why Constantius would develop a sudden interest in his illegitimate son who had lived far way from him, at least since the late 290s, at Diocletian's and later Galerius' courts – and in open neglect of his three legitimate sons.³² If we accept that the tetrarchy established by Diocletian

²⁷ See *Zos.* II,8,2-3.

²⁸ Cf. *Ibid.*

²⁹ See *cap.* II,8,3.

³⁰ Cf. *Lib. de caes.* 40,2: *Quod* [i.e. the appointment of Severus and Maximinus as *caesares*] *tolerare nequiens Constantinus, cuius iam tum a puero ingens potensque animus ardore imperitandi agitabatur, fugae commento, cum ad frustrandos insequentibus publica iumenta, quaqua iter egerat, interficeret, in Britanniam pervenit; nam is a Galero religionis specie ad vicem obsidis tenebatur. Et forte iisdem diebus ibidem Constantium patrum uel parentem vitae ultima urgebant.* *Epit. de caes.* 41,2 contains an almost identical account which does not, however, mention any motive for his escape.

³¹ See below at note 197 and ff.

³² R. Andreotti produced the first real critical analysis of Lactantius' account, and he quite rightly emphasizes this aspect: "é assai più probabile che Costanzo non pensasse a rendere facile a Costantino l'accesso al trono, pericoloso per i figli di secondo letto per una evidente gelosia. Ma perchè, d'altra parte, Costanzo doveva proprio nel 306 chiamare Costantino? Egli si era separato dal figlio illegittimo da diciassette anni, non era partigiano dell'idea ereditaria, e, quand'ancora lo fosse stato, aveva altri tre figli legittimi, di cui il maggiore poteva avere almeno sedici anni, quindi il reclamo di Costantino

had, most likely, received support from both Constantius and Galerius, Constantine's continued presence at Galerius' court finds its natural explanation. Constantius had, quite simply, approved Constantine's continued service under Galerius, just as he had approved his service under Diocletian. Constantine was no hostage,³³ nor did Galerius have any designs on his life.³⁴ There is no motive then for Constantius to summon Constantine.

On this basis, we have every reason to trust Zosimos and Aurelius Victor when they claim that Constantine's lust for political power was the motive for his sudden, escape-like journey. They do not, however, give more details. It can only mean, though, that Constantine went to Constantius because he believed that he would find better opportunities for political activities than in continued service under Galerius. The dynastic principle had always enjoyed much support in the army, so he might hope to get the soldiers to choose him as Constantius' successor in the case of his death. In the light of his later career, it is not surprising that Constantine would make this decision suddenly and act upon it immediately. He often made quick decisions which surprised the world by their daring and rash nature.

Later developments further confirm the claim that Constantine acted on his own initiative when he left Galerius' court to go to his father. It remains unclear whether Galerius really tried to thwart Constantine's plans, but it seems not entirely unlikely.³⁵ Most of our sources state that Constantine only reached his father immediately before his death on 25 July 306.³⁶ Only

da parte sua non aveva ragione de essere, proprio in quel momento" (*Nuovo Didaskaleion* II (1929), 46-47. "Costanzo Cloro").

³³ The claim in *Anon. Val.* 2,2 that Constantine was a hostage (*obses*) under both Diocletian and Galerius shows that we must be careful in our interpretation of the expression. There is absolutely no reason to assume that Diocletian needed a hostage to keep Constantius' son in check.

³⁴ However, Constantine had endangered his own life repeatedly through impudent behaviour. The examples of what Lactantius and *Anonymus Valesianus* regard as Galerius' persecution could much more usefully be regarded as Constantine's own doing. He was known to disregard completely any mortal dangers. See e.g. *Paneg.* IX (313), 9,1-3.

³⁵ It is tempting to reject Lactantius' account completely in part because of its inherent improbability, in part because it was designed to show that Galerius always opposed Constantine as the lawful emperor and plotted against his life. On the other hand, almost all our sources agree that he tried to disrupt his journey to his father. It is not impossible, therefore, that Galerius attempted to stop Constantine when he discovered the real reason for his journey to his father's court in the West. We have no way of knowing whether there is any element of historic truth to the fantastic tale of the slaughter of the *cursus publicus* horses.

³⁶ Thus *De mort.* XXIV,8, *Epit. De caes.* 41,2, *Vict. Aur. Lib. De caes.* 40,1-2 and *Zos.* II,9,1.

a *panegyricus* from 310 reports that Constantine joined his father just as he was about to sail for England with his troops to fight the Picts,³⁷ and *Anonymus Valesianus* even gives the name of the port of embarkation as *Bononia*.³⁸ There is no doubt that the panegyrist's account is the correct one – it was after all given in Constantine's presence. Constantine must, therefore, have joined Constantius early in the spring of 306, just as the campaign against the Picts was about to begin. There is no information to indicate that Constantius was weak or ailing, so the sources offer no support to the assumption that Constantine rushed to his terminally ill father and just managed to see him before he died.

We do not know if Constantine took part in the war against the Picts.³⁹ At any rate, he was in York (*Eboracum*) when Constantius died on 25 July 306.⁴⁰ Unfortunately, sources paint a confusing picture of subsequent events. As stated above, Lactantius briefly states that Constantius passed *imperium* to Constantine on his deathbed, and the army confirmed the decision,⁴¹ but the panegyrist of 310 offers a more detailed description. The latter also states that Constantius appointed Constantine his *heres*,⁴² but there is no mention that *imperium* was handed over to him. The army is identified as having elected Constantine unanimously and dressed him in Imperial purple as a sign that *imperium* had been passed on to him.⁴³ The panegyrist furthermore wishes to create an impression that Constantine was

³⁷ *Paneg.* VII (310),7,5 just mentions preparations for a military campaign, but it does not name the enemy. The passage immediately before this, however, suggests that it was directed against the Picts from Scotland.

³⁸ *Cap.* 2,4. In all its brevity, *Anon. Val.* agrees completely with the account in *Paneg.* VII: *post uictoriam autem Pictorum Constantius pater Eboraci mortuus est...*

³⁹ Therefore there is no basis in the sources for O. Seeck's claim: "Jetzt bot ihm der Krieg seines Vaters die erwünschte Gelegenheit, den Ruf seiner unbezwinglichen Kühnheit auch im Angesicht des britannischen Heeres zu bewähren und die Anhänglichkeit der Soldaten, die dem Sohne ihres Kaisers auch ohnedies auch sicher war, noch durch Taten zu befestigen" (*Untergang der antiken Welt* I, 46).

⁴⁰ For the day and year of Constantius' death, see O. Seeck, *Untergang der antiken Welt* I, 465.

⁴¹ See *De mort.* XXIV,8.

⁴² Cf. *Paneg.* VII (310),7,3-4: *Quin immo statim sententiam rogatus cui imperium decerneret, dixit [Jovis], ut decebat Constantium Pium; manifeste enim sententia patris electus es, imperator, and cap. 8,2: Imperator transitum facturus in caelum vidit quem relinquebat heredem.*

⁴³ Cf. *Cap.* 8,2-3: *Ilico enim atque ille terris fuerat exemptus, universus in te consensit exercitus, te omnium mentes oculique signarunt... Purpuram statim tibi, cum primus copiam tui fecit egressus, milites utilitate publicae magis quam tuis adfectibus seruietes iniecere lacrimanti.*

almost forced to accept against his own will.⁴⁴ Thus Constantine did not wish to accept the Imperial purple until the other rulers had approved it – he clearly wished to defer to their decision. The panegyrist's almost demonstrative emphasis on Constantine's *modestia* and *pietas*⁴⁵ reveals the extent to which he felt the need to show that Constantine did not work to achieve *imperium* for himself and that when he received it, he did not act high-handedly and ignore the other rulers, but wished to subject himself to their decisions. In other words, Constantine should be acquitted of all accusations that he acted as a usurper in complete disregard of the Diocletian tetrarchy.

Zosimos' account clearly shows that there were grounds for such accusation.⁴⁶ According to him, it is obvious that Constantius had designated no successor. When he died, the senior officers discussed who should be his successor. When they decided that Constantius' legitimate sons were incapable of taking over *imperium*, they appointed his illegitimate son Constantine.⁴⁷ The choice was made in part because of his good looks and because he had promised large gifts. Constantine had, in other words, used bribes in an active attempt to ensure that the army chose him. His mere acceptance of *imperium*, moreover, implied his acceptance also that the army followed the dynastic principle in clear disregard of the rules of succession of the tetrarchan system.

Several of our sources report that the army chose Constantine for *caesar*.⁴⁸ According to Lactantius, however, Constantine was elected *augustus*.⁴⁹ He

⁴⁴ Cf. *Cap.* 8,4: *diceris etiam, imperator inuicte, ardorem illum te deposcentis exercitus fugere conatus equum calcaribus incitasse. Quod quidem, ut uerum audias, adulescentiae errore faciebas.*

⁴⁵ Cf. *Cap.* 8,2: *et, quamquam tu ad seniores principes de summa re publica quid fieri placeret retulisses, praeuenerunt [milites] studio quod illi mox iudicio probauerunt.*

⁴⁶ See *Zos.* II,9,2.

⁴⁷ From his very first mention of Constantine, Zosimos emphasized unequivocally his illegitimate status and his obscure origins.

⁴⁸ In addition to *Anon.Val.* 2,4 and *Zos.* II,9,1 this is also true of the *panegyricus* of 310 which is so important in this connection: *O fortunate et nunc omnibus beatior terris Britannia, quae Constantinum Caesarem prima uidisti!* (VII,9,1).

⁴⁹ See *De mort.* XXIV,9 and XXV,5. We know for certain that Lactantius uses the term *augustus* as opposed to *Caesar* to refer to the person who possesses *summa imperii* (cf. *cap.* X,4). The recipient of *imperium* (XXIV,8 and 9) is *imperator* (XXV,5) = *augustus* (XXIV, 9 and XXV,5). In later editions of his history of the church, Eusebius supports the Constantinean dynasty and accepts it as a matter of course that Constantine became *maximus augustus* when his father died, see *h.e.* VIII,13,14.

also says that Constantine asked Galerius for recognition of his new status as ruler. In the light of event in later years, which demonstrated Constantine's ability to operate wisely and deftly, it is hard to believe that he would have asked Galerius for recognition as *augustus*. That could only have been perceived as an obvious provocation which implied that he despised the tetrarchan system established by Diocletian. By seeking recognition from the other emperors, Constantine had in fact accepted the tetrarchy in principle.⁵⁰ Even if the army had proclaimed Constantine *augustus*, we may still assume that he wanted the other rulers' recognition as *Caesar* in accordance with the hierarchy of the Diocletian tetrarchy.

When Constantine asked Galerius for recognition by sending him his *laureata imago*,⁵¹ he was inclined to refuse, according to Lactantius. Galerius' friends warned him insistently against this, because it would lead to his own destruction: all soldiers would support Constantine if he responded by taking up arms against him.⁵² As a result, Galerius recognized him and even sent him Imperial purple as a sign that Constantine had been admitted to the tetrarchan college of emperors by its senior member.⁵³ He still managed to annoy Constantine, though, by recognizing him only as *caesar*, not as *augustus* of the West – as the most recent appointee he was fourth in the Imperial hierarchy.⁵⁴

In his account, Lactantius obviously wished to show that Galerius continued to oppose Constantine.

All the same, his account appears, in several respects, to reflect actual events. Thus Constantine's request for recognition in relation to the news of his father's death doubtless meant the convocation of *consilium principis*

⁵⁰ *Paneg.* VII (310),8,2 states it explicitly. In this passage *seniores principes* must refer to Galerius, Severus and Maximinus, not to Diocletian and Maximian, as E. Galletier understands the term, see *Panegyrique Latins* II, 60, note 2.

⁵¹ See *De mort.* XXV,1. According to *Zos.* II,9 it was also sent to Rome and consequently to the other rulers.

⁵² Cf. *De mort.* XXV,2: *In eo paene res fuit, ut illam et ipsum qui attulerat exureret, nisi eum amici ab illo furore flexissent admonentes eum periculi quod universi milites, quibus inuitis ignoti Caesares erant facti, suscepturi Constantinum fuissent atque ad eum concursuri alacritate summa, si uenisset armatus.*

⁵³ See *cap.* XXV,3.

⁵⁴ Cf. *Cap.* XXV,5: *Sed illud exogitauit, ut Seuerum, qui erat aetate maturior, Augustum nuncuparet, Constantinum uero non imperatorem, sicut erat factus, sed Caesarem cum Maximino appellari iuberet, ut eum de secundo loco reiceret in quartum.*

to discuss the new situation.⁵⁵ Most likely they also discussed whether it would be sensible to recognize Constantine at all. Such recognition would involve acceptance of the disregard of the principle that the senior emperor alone had the authority to appoint new members of the Imperial college and to give them *imperium*,⁵⁶ and it would mean the establishment of a dangerous precedent that would again give the army deciding influence on the nomination of emperors. On the other hand, it was clear that the man the army had appointed emperor was a legitimate ruler,⁵⁷ and given that Constantine's request for recognition showed his acceptance of the tetrarchan system, they probably found it reasonable to grant him recognition.⁵⁸ At the same time, they probably felt that they had killed any attempts by Constantine at rebellion in their infancy.

The recognition must have happened in the context of the establishment of the third tetrarchy. According to the traditional principle of seniority Galerius remained as *maximus augustus*, while Severus succeeded Constantius as the new *augustus* of the West with Constantine as his *Caesar*.⁵⁹ At the same time, territorial changes meant that Severus was made ruler of Spain in addition to Italy and North Africa so that Constantine was responsible solely for Gaul and Brittany.

Lactantius' claim that this arrangement settled matters⁶⁰ is correct, in a manner of speaking. Galerius had apparently succeeded in neutralizing the effects of the irregular events in England. He recognized Constantine as a legitimate member of the college of emperors.⁶¹ In return, he had to accept

⁵⁵ Lactantius says that Galerius discussed the question of Constantine's recognition with his *amici*, and the term must refer to his personal counsellors (including Licinius, cf. XX, 3) who constituted *consilium principis*.

⁵⁶ We may conclude from *De mort.* XXV,3 that this was accepted procedure, cf. XVIII and XX,3-4.

⁵⁷ Cf. J. Straub, *Vom Herrscherideal in der Spätantike*, 20 ff.

⁵⁸ An additional reason might have been that the situation was not covered by the procedure for succession used on the occasion of Maximinus' appointment to *caesar*: the senior *augustus* nominates, the army approves, and the emperor dresses the new *Caesar* in purple. The relationship between the army's traditional right to nominate and the senior emperor's right to appoint remained, in other words, unclear. In the case of Constantine, the matter seems to have been resolved by having the senior emperor approve the army's nomination to make it valid.

⁵⁹ *De mort.* XXV,5 clearly shows that Galerius adhered to the principle of seniority. He did not act on a mere whim as insinuated by Lactantius in the phrase: *illud excogitavit*.

⁶⁰ Cf. *Cap.* XXVI,1: *Compositae ei res quodam modo iam uidebantur...*

⁶¹ Lactantius claims that Constantine's request for recognition came at a very awkward time for Galerius: *Iam turbatae rationes eius fuerant nec poterat alterum extra*

Galerius as *maximus augustus* and thus the Diocletian tetrarchy. The public, at least, saw no conflict between Constantine and the other rulers.⁶²

Galerius appeared externally as initiator in the establishment of the new tetrarchy. The truth was, however, that Constantine's autocratic behaviour using the army's traditional right to nominate emperors had allowed him to force his way into the tetrarchy. This was bold action, and he had run a great risk of ending up in open conflict like some usurper with the rulers of the tetrarchy. But his audacious ploys succeeded! Constantine had won a place among the legitimate emperors of the tetrarchy.

2. Striving for independence in the West and political divisions

On 28 October 306, Maxentius was elected emperor in the city of Rome. A number of causes had worked together to create this event,⁶³ whose effects were to prove fatal to the tetrarchy established by Galerius.

Again, Lactantius provides us with the most detailed source, and he explains that uneasiness spread in Rome when Galerius prepared to send *censitores* to this capital of the world in order to assess property as a basis for future taxation. Galerius had also decided to disband the Praetorian Guard. A few (*milites pauci*) Praetorians reacted by killing some government officials and by calling a public meeting that approved their choice of Maxentius as emperor upon which he was dressed in purple.⁶⁴

The revolt caught very quickly and spread to almost the entire population of Rome, high and low, most likely because of a strong dissatisfaction and

numerum nuncupare, ut voluerat (cap. XXV, 4). He no doubt believed that by recognizing Constantine Galerius was forced to abandon the plans that he might already have made for the future composition of the Imperial college, see *cap. XX, 2-4*. Galerius' reservations were no doubt of a constitutional nature.

⁶² *Paneg. VII (310), 8, 2* shows this clearly. This *panegyricus* wished to proclaim Constantine's political and religious independence from Galerius and the tetrarchy that he headed, so there would be every reason to emphasize any hostility from Galerius towards Constantine – it would only serve as a reason why he was forced to pursue his own policy. The absence of any mention of such conflict must simply mean that no one was aware of its existence.

⁶³ Groag has collated and discussed in admirable fashion all material relevant to Maxentius' election as emperor in *RE XIV*, col. 2422 ff (art. "Maxentius"). In *Untergang der antiken Welt I*, 76 ff, O. Seeck has, however, given a rather too fanciful interpretation of the sources.

⁶⁴ See *De mort. XXVI, 2-3*. We may wonder if the phrase *non inuito populo, qui erat concitatus* could refer to *senatus populusque Romanus* which would then include the Senate.

bitterness created by the tetrarchy's obvious disregard for Rome. Diocletian and Galerius preferred the East and had no time for Rome.⁶⁵ Proclaiming Maxentius emperor was, then, in essence Rome's protest against Eastern domination. Maxentius rose to power on a wave of Roman nationalism, and his strictly Roman policies were a logical development from this starting point. He wished to restore Rome, the *urbs aeterna*, to its position as foundation and centre of the Empire. On coins he named himself *conservator urbis suae*.⁶⁶ In addition, he favoured unequivocally the reintroduction of old Roman customs and traditions including the worship of *di Romani*.

Lactantius named the Praetorian Guard as the driving force, but Zosimos, our other detailed source for these events, saw Maxentius himself as initiating his appointment as emperor. When Constantine's picture was put on display in Rome to announce his status as the new *caesar*, Maxentius had no wish to be outdone – it would be unreasonable if he could not succeed his father to the throne, just as Constantine.⁶⁷ Through an alliance with senior government officials and the Praetorian Guard, Maxentius managed to be proclaimed Roman emperor – he had also, just as Constantine, promised great gifts to those that would support him.⁶⁸ Maxentius later proved to be a most capable ruler, so Zosimos' account rings true. As the son of Maximianus, Maxentius had been designated his successor,⁶⁹ so he could only see the appointments of new caesars in 305 as an obvious slight, just as in the case of Constantine. His decision to take the matter into his own hands and force his recognition as *caesar* served as inspiration to Maxentius to do the same.

When Maxentius was elected emperor, he also followed Constantine's example in asking Galerius for his recognition. To avoid provocation, he officially named himself *princeps invictus* – thus signifying that he would leave it up to Galerius as *maximus augustus* to make the decision about his

⁶⁵ Lactantius represents this criticism when he writes about Diocletian's widespread and intense construction work in Nicomedia: *Ita semper dementabat Nicomediam studens urbi Romae coaequare (De mort. VII,10)*. This criticism also surfaces in the passage in which Lactantius claims that Diocletian refused to celebrate the beginning of his ninth consulate in Rome because he could not bear *libertatem populi Romani (cap. XVII,2)*. Galerius' censorious attitude towards Rome had not been forgotten either, as is obvious from this comment: *quippe qui numquam viderat Roman aestimaretque illam non multo esse maiorem quam quas noverat civitates (cap. XXVII,2)*.

⁶⁶ Cf. Groag in *RE* XIV, col. 2458.

⁶⁷ See *Zos.* II,9,2.

⁶⁸ See II,9,3.

⁶⁹ See above chapter I note 110.

title and place within the tetrarchy.⁷⁰ Galerius promptly rejected the request for recognition, understandably so. The tetrarchy could only allow four rulers. Recognizing Maxentius would only create problems with the legitimate rulers who would have to give up some of their territories to him. Finally, recognizing Maxentius would severely weaken the authority of the *maximus augustus* and strengthen the right of the army independently to create their own emperors.⁷¹

Galerius not only rejected Maxentius' request for recognition as legitimate ruler, he also gave immediate orders to Severus as the *augustus* of the West to fight Maxentius as a usurper.⁷² Quick action was required to prevent Maxentius from consolidating his position. There was no time to make extensive preparations for the punitive expedition, and they probably just sent the standing army (*comitatus*) stationed in Milan.⁷³ This must have happened even at the end of 306 – maybe as early as November – just as winter had arrived.

It is not surprising, against this background, that Severus could do little when he reached Rome. When a large number of his troops also deflected to the enemy, he had to leave the city having accomplished nothing.⁷⁴ He fled back to Ravenna to wait in safety behind the city walls for reinforcements from Galerius. This probably happened at the very beginning of the

⁷⁰ His coins also showed that he recognized the *augusti* and *caesares* of the tetrarchy, cf. Groag in *RE* XIV, col. 2424 f.

⁷¹ Lactantius' version of the reason for the rejection says: *Et oderat [Galerius] hominem et tres caesares facere non poterat. Satis uisum est semel fecisse quod noluit* (*De mort.* XXVI,4). In spite of its sarcastic tone, the passage suggests the correct explanation.

⁷² Cf. *De mort.* XXVI,5: *Seuerum arcessit, hortatur ad recipiendum imperium, mittit eum cum exercitu Maximiani ad expugnandum Maxentium, et mittit Romam, in qua milites illi summis deliciis saepissime excepti non modo saluam esse illam urbem, sed ibi uiuere optarent.* This refers to soldiers, formerly belonging to Maximianus, who now served under Severus.

⁷³ This may be the point of the comment in *Zos.* II,10,1 that Severus moved from Milan when he had been ordered to wage war against Maxentius. XXXVI,6 states, however, that Severus was in Illyricum (*Seuerum in Illyrico relinqueret*). According to Seeck I, 82 and 485 note 25 Galerius did not call Severus to him, as claimed in *De mort.* XXV, 4, but sent him a message in Milan to move towards Rome.

⁷⁴ Lactantius merely says: *Seuerus interim uadit et ad muros urbis armatus accedit. Statim milites sublatis signis abeunt et se < ei > contra quem uenerant, tradunt* (*De mort.* XXVI,8). Zosimos says that the soldiers χρημασι τὸ πολὺ μέρος τῶν σὺν αὐτῷ στρατιωτῶν διαφθείρας Μαξέντιος (II,10,1).

year 307. For reasons that we cannot know, he soon seems to have judged his situation as hopeless and therefore chose to surrender.⁷⁵

Our sources largely agree on this outcome, but they give contradictory information on the specific events surrounding Severus' death,⁷⁶ and last but not least, they disagree on the date and conditions for Maximianus' return to the political arena.

Among our most important sources Zosimos says that Maximianus came to his son's assistance only after Severus had shut himself up in Ravenna, which was well-fortified and well-stocked and perfectly suited to resist a siege – he then tricked him into surrender by false promises.⁷⁷ Lactantius, however, explains that Maxentius was afraid that Galerius would send his reliable troops against him, so he sought his father's support immediately after his appointment as emperor.⁷⁸ This happened when he sent the Imperial purple to him and appointed him *augustus* for the second time. Maximianus, who had been loath to abdicate, readily accepted the Imperial position.⁷⁹ He even seems to have led the pursuit of Severus to Ravenna. There he made him surrender after he had returned *vestis purpurea* to him.⁸⁰

On the question when Maxentius called for his father's help, Lactantius' account seems plausible, unlike that given by Zosimos. When Maxentius realised that Galerius would reject his request for recognition as legitimate ruler and would fight him as a usurper, he found himself in a most difficult position. He could count on complete support from the city of Rome, but that would not suffice. What would be more natural then than to call on his father for help – he lived in central Italy and had never accepted that his

⁷⁵ See *De mort.* XXVI,9-10 and *Zos.* II,10,2.

⁷⁶ See for this J. Moreau, *Commentaire*, 354 ff.

⁷⁷ See *Zos.* II,10,2. The very same account appear in *Anon. Val.* 4,10.

⁷⁸ See *De mort.* XXVI,6. In *cap.* XXVI,7 and XXVIII,1, Lactantius incorrectly claims that Maxentius appointed Maximianus *augustus* and gave him *imperium*. At the very most, the son can only have encouraged his father to exercise Imperial power again as *senior augustus*. The reason for Lactantius' claim – or the claim in the source that he depends on – that Maximianus was subordinate to his son is probably his wish to expose his ingratitude and scheming activities. This is designed further to suggest that Maximianus was a man that could not be trusted and so he was also himself to blame for his ignominious end, cf. below 157.

⁷⁹ Cf. *Cap.* XXVI,7: *Patri suo post depositum imperium in Campania moranti purpuram mittit et bis Augustus nominat.* *Zos.* II,10,2 and *Eutrop.* IX,27,2 names *Lucania* as the place where Maximianus spent his *otium*.

⁸⁰ See *De mort.* XXVI,9-10.

abdication meant political passivity.⁸¹ Maxentius probably summoned Maximianus to Rome⁸² and encouraged him with the support of the Senate to exercise *imperium* again.⁸³

We have shown that both Diocletian and Maximianus as *seniores augusti* were meant to act as a court of appeal to settle possible disagreements and disputes among the members of the Imperial college. Consequently, Maximianus could not accept single-handedly the suggestion to work actively again as *augustus*. He appears to have accepted this arrangement, for he approached Diocletian immediately with a suggestion that he resumed government authority again jointly with him.⁸⁴ This could pave the way for a new order in which Galerius was deposed and Maxentius' demand for the Imperial authority was honoured. Diocletian did not accept Maximianus' suggestion – he preferred to remain in his *otium*. Maximianus' approach to Diocletian was probably the occasion for Galerius to threaten him with war if he did not refrain from meddling in matters which he alone was authorized to settle as *maximus augustus*.⁸⁵

Maximianus was determined, however, to help his son to Imperial status and at the same time to have the opportunity himself to play an active role in politics again. To consolidate his position on a purely constitutional basis, he stated that once a man had received *imperium*, he could never lose or renounce it – he was *augustus aeternus*.⁸⁶ It was a misunderstanding, therefore, that he had abdicated together with Diocletian out of a sense of

⁸¹ Cf. *Cap.* XXVI,7: *Ille uero et rerum nouarum cupidus et qui deposuerat* [sc. *imperium*] *inuitus, libenter arripuit*.

⁸² This is the more likely because at the time no enmity existed between father and son, as Lactantius erroneously claimed, cf. 314-315 notes 6 and 7.

⁸³ This seems to be the most obvious reading of *Paneg.* VI (307),10,5-11,6. Lactantius is wrong, therefore, when he says that Maximianus had laid down *imperium* at his abdication and then resumed it when Maxentius offered it to him, cf. *De mort.* XXVI,7. As already demonstrated, Maximianus had not become a private citizen when he abdicated, but as *senior augustus* he had remained a member of the Imperial family. Coins show that he retained the title of *senior augustus* for a while also after he had decided to behave as active emperor again, see *Roman Imperial Coinage* VI (1967), 340.

⁸⁴ Cf. *Eutrop.* X,2,2: *Quo nuntio Maximianus Herculius ad spem arreclus resumendi fastigii, quod inuitus amiserat, Romam aduolavit a Lucania, quam sedem privatus elegerat, in agris amoenissimis consenescens, Diocletianumque etiam per literas adhortatus est, ut depositam resumeret potestatem, quas ille irritas habuit*. No other source carries this information.

⁸⁵ For this and the next paragraph, see below *Appendix I*.

⁸⁶ The panegyrist shares this perception in *Paneg.* VI (307),12,4: *Non enim a te recessit imperium, et priuatus licet dici uelles, inhaesit tibi ingenita maiestas*.

brotherly loyalty.⁸⁷ Diocletian might refer to his advanced age and frailty as reasons, but they were certainly not open to Maximianus. Quite irrespective of Diocletian's approach, Maximianus was *auctor imperii* and as such obliged to established order in the Roman Empire.⁸⁸ At the same time a campaign of defamation was started against Galerius in order to undermine his authority. Attempts were made to show that Galerius was driven by selfish desire for power, and that he had defied Diocletian and his will by forcing his and Maximianus' abdication and the election of Severus and Maximianus as *caesares* – Galerius had trifled with true Imperial interests in every respect. For that reason, it was Maximianus' duty to oppose him and fight him along with Severus, his henchman.

Severus' defeat meant a significant strengthening of Maxentius' position. All of Central and Southern Italy, the so-called *regiones suburbicae*, had declared him their support as soon as he had been appointed emperor, and when Severus retreated to Ravenna, all of Northern Italy as well as North Africa were on his hands.⁸⁹ When Severus surrendered and gave up his Imperial status⁹⁰ Maxentius had the right to demand the position as the new

⁸⁷ Cf. *Paneg.* VI (307),9,2: *...non quidem tu rei publicae negligentia aut laboris fuga aut desidiae cupiditate ductus, sed consilii olim, ut res est, inter uos placiti constantia et pietate fraterna, ne quem totius uitae summarumque rerum socium semper habuisses, in alicuius facti communitate desereres neue illius, uiderit quali, certe nouae laudi cederes.*

⁸⁸ Cf. *Paneg.* VI (307),9,5-6: *Sed tamen utcumque fas fuerit eum principem quem anni cogere aut ualitudo deficeret, receptui canere, te uero, in quo adhuc istae sunt integrae solidaeque uires, hic totius corporis uigor, hic imperatorius ardor oculorum, immaturum otium sperasse miramur. Quid enim aliud participi maiestatis tuae dare potuit ueniam quietis quam ut tu imperio succederes pro duobus?*

⁸⁹ North Africa may have joined Maxentius immediately after his proclamation as emperor in 306. Coins struck in Carthage, which reflect the confusing political situation in general, point in that direction, cf. E.A. Sydenham in *Numismatic Chronicle* 1934, 149 ("The Vicissitudes of Maximian after His Abdication") and *Roman Imperial Coinage* VI, 417.

⁹⁰ *Zos.* II,10,2 says that Maximianus prevailed upon Severus to go to Rome with assurances that were, however, broken when he was killed on the way in an ambush by Maxentius. Lactantius probably adds to Zosimos' information when he states that Severus surrendered to Maximianus and returned the *vestis purpurea* which he had received from him, see *De mort.* XXVI,10. Lactantius further writes that Severus achieved nothing by this course of action other than to be forced to take his own life, but that seems not terribly convincing. Most likely, Maximianus had promised him free passage if he relinquished his Imperial authority – and this promise was later broken when he was killed. In the negotiations which must have been conducted with Severus, Maximianus appeared as *auctor imperii* with authority to grant and reclaim *imperium* – and Severus seems to have acknowledged this status. If this assumption is correct, we

augustus of the West. In any case, he used this title from the beginning of 307.⁹¹ In so doing, he had in fact broken with Galerius and rejected the tetrarchy headed by him. An independent Empire had been created in the West.

This development made it essential for Galerius to respond if the tetrarchy was to survive under his leadership. As soon as he received information on Severus' failed punitive mission, he must have decided to go to Italy himself to settle the score with the new rule of Imperial usurpers. He gathered troops and by March 307 he had already moved into northern Italy with his army.⁹²

Even though Maxentius had consolidated his position, it was still precarious. Galerius was an excellent army general with excellent troops at his disposal, so chances were slim that Maxentius would prevail in battles.⁹³ The speed with which Galerius recaptured Northern Italy is proof enough in itself. Maxentius needed allies in his fight against Galerius. Constantine was an obvious man to contact. Like Maxentius, he had been passed over in 305, and his relationship with Galerius remained strained because of his high-handed behaviour in 306. Back then, Maxentius had started a diplomatic campaign in relation to Constantine by acknowledging him, not Galerius and Maximinus.⁹⁴ When Rome had been placed on the alert, Maximianus decided to go to Gaul to establish an alliance with him and his son.⁹⁵ He wished not just to ensure Constantine's neutrality, so that he

have established that Maximianus behaved from the start with the authority which behoves the progenitor of the Herculean Imperial family, but this was also the basis for disputes of authority with his son Maxentius.

⁹¹ The coins which were struck in the beginning of 307 in the Carthaginian *officina* show this, for example – they term Maxentius *augustus*, see E.A. Sydenham in *Numismatic Chronicle* 1934, 149.

⁹² See *De mort.* XXVII,2. Coins were struck in Aquileia and Ticinum (Padua) from March till early summer 307 in Galerius' name, cf. R.A. Carson & J.P.C. Kent in *Numismatic Chronicle* 1956, pp. 89f. ("Constantian Hoards and other Studies in the later Roman Bronze Coinage"). During that period at least, then, Galerius had recaptured control of the *officinae* in Northern Italy.

⁹³ Cf. *De mort.* XXVII,1: *Herculius uero cum Maximiani nosset insaniam, cogitare coepit illum audita nece Seueri inflammatum ira susceptis inimicitiiis cum exercitu esse uenturum et fortasse adiuncto Maximino ac duplicatis copiis quibus resisti nullo modo posset...*

⁹⁴ Cf. Groag in *RE* XIV col. 2430.

⁹⁵ Cf. *De mort.* XXVII,1: *et urbe munita et rebus omnibus diligenter instructa profiscitur in Galliam, ut Constantinum partibus suis conciliaret suae minoris filiae nuptiis.*

would not join Galerius by sending him troops.⁹⁶ The alliance must be directed against Galerius, so Constantine was to attack him from behind while he was in Italy.⁹⁷ In return, he was to receive Maximianus' daughter Fausta in marriage⁹⁸ as well as the title of *augustus*.⁹⁹

Constantine immediately saw that this offer of an alliance opened completely new opportunities for political manoeuvre. It was obviously Constantine's wish to succeed Severus as *augustus* of the West. However, that would never come about if the rules of succession of the Diocletian tetrarchy were adhered to – then Maximinus must be made the new *augustus* of the West. Moreover, it would be much more natural for Galerius to choose Maximinus whom he could trust. By contrast, Constantine's loyalty could only appear suspect. By forming an alliance with Maximianus and acknowledging him as *summus imperator* and thus also as *auctor imperii*, Constantine could achieve status as *augustus* in an entirely legitimate manner. His position would be further strengthened through his marriage to Fausta; through her he would be attached to the progenitor of the Herculian Imperial family. For Constantine, a decisive condition must be Maxentius' acceptance of him as senior *augustus* in the West and Maximianus' successor as *summus imperator*.

Apart from this difficulty, other risks were associated with an alliance with Maximianus. Galerius was still *maximus augustus* and represented the legitimate Imperial power of the tetrarchy. Acknowledging Maximianus as *auctor imperii* and receiving the title of *augustus* from him could be perceived as an act of usurpation. It was all the more dangerous to oppose Galerius and become his enemy because he controlled the greatest military power of all. If Galerius succeeded in defeating Maxentius – and there was every reason to expect just that – Constantine could be certain that Galerius would turn his weapons against him as his other enemy in the West.

These concerns made it necessary for Constantine to manoeuvre with the utmost caution. He chose to avoid declaring a clear position until the fluid military and political situation had settled, and so he avoided a break with Galerius. Maybe he hoped that by playing on Maximianus' offer of an alliance he could force him to recognize him as the new *augustus* of the

⁹⁶ Just as Severus, Constantine was duty bound to obey Galerius as *maximus augustus* if he had ordered him to send troops.

⁹⁷ This appears from *Zos.* II,10,6: ... ἐπεχείρει καὶ πείθειν ὡς ἂν διώκοι μὲν τῆς Ἰταλίας ἀναχωροῦντα Γαλέριον Μαξιμιανόν ...

⁹⁸ Constantine and Fausta had been engaged since childhood, see *Paneg.* VI (307),6,2.

⁹⁹ *Paneg.* VI (307),1,1 and 13,1-2 show this as Constantine's reward for joining Maximianus.

West after Severus. At the same time, he maintained friendly relations with Maximianus and Maxentius. He removed all mementoes of Severus and acknowledged them as rightful rulers next to Galerius and Maximinus.¹⁰⁰ On the other hand he did not give them his unequivocal support, in part perhaps because he believed he could take advantage of their fear that he would join Galerius. He hoped to use this tactic to achieve as many advantages as at all possible in case Galerius were to suffer defeat.

Lactantius gives the only extensive report on Galerius' Italian campaign:¹⁰¹ once he had gathered his troops,¹⁰² he moved into Italy, and when he had conquered all of Northern and Middle Italy he reached Rome without difficulty. He was taken by surprise at the size of the city and its defence structures and must accept that he did not have the strength to seize it. At the same time, some detachments deserted to join Maxentius. There were indications that the rest of the troops would follow suit, so Galerius feared that he would suffer the same fate as Severus (*Seueri exitum metuens*). He beseeched the soldiers not to give him up, and his promises of great gifts stopped the disintegration in the ranks. He ordered their retreat and gave them permission to rob, plunder and rape – in an attempt to prevent any pursuer from chasing after them. The result was that Middle and Northern Italy suffered terrible destruction before Galerius and his troops reached their own territory. His attempt to destroy the Roman senate and people¹⁰³ had failed completely.

Lactantius' lively account must be approached with scepticism because it was so very obviously designed to cast Galerius as a *hostis Romani nominis*.¹⁰⁴ On closer inspection, his account itself makes it difficult to accept its accuracy unreservedly. It is surprising to note the curiously illogical relationship between the fear that Maximianus and his son had of Galerius and the latter's de facto powerlessness. The suggestion that Galerius believed Rome to be no bigger than most provincial towns and thus easy to seize, is so grotesque that it cannot be taken seriously – it is merely designed to Galerius' ignorance generated by his hatred and hostility towards all things Roman. Lactantius' claim that Galerius, who had shown brilliant skills as

¹⁰⁰ Cf. Groag in *RE* XIV col. 2430.

¹⁰¹ See *De mort.* XXVII,2-7.

¹⁰² Lactantius merely writes: *coacto exercitu inuadit Italiam* (*cap.* XXVII,2) but *Paneg.* IX (313),3,4, has: *Duxerat magnum Seuerus exercitum ...; maiores postea copias Maximianus admourat.*

¹⁰³ Cf. *cap.* XXVII,2: ... *ad urbem accedit senatum extincturus, populum trucidaturus.*

¹⁰⁴ *Cap.* XXVI,8.

an army leader, would have behaved so pitifully towards his troops¹⁰⁵ is equally difficult to accept. Maxentius probably again tried to bribe the enemy troops to join him, and his attempts met with some success.¹⁰⁶ It is hard to believe, though, that desertions would have occurred on such a scale that Galerius felt his life threatened by his own soldiers. We also hear that the army fled precipitously, but we receive no explanation of its cause. Given that Galerius commanded very considerable forces, it also seems quite inconceivable that a few soldiers managed to defeat him during the flight.¹⁰⁷ Finally, it is hard to understand why Maxentius did not pursue Galerius immediately when he could so easily have destroyed him with a handful of men. Lactantius' account contains so many improbabilities that it can only be seen as an attempt to conceal the true relationship of events.¹⁰⁸

We must consider it a fact that Galerius reached Rome with his troops but gave up the idea of a siege and retreated quickly up through Italy. It is also clear that the retreat was caused by a wish to avoid a military defeat. But it is hard to believe that only his fear of Maxentius had provoked this move. Galerius might in fact expect an attack from Constantine, and everything points to the fear of such an attack as the primary reason for Galerius' speedy retreat.

It seems that Maximianus had a plan for Constantine to attack Galerius from behind, block his routes of retreat and maybe destroy his forces in a comprehensive encircling manoeuvre in cooperation with the troops under Maxentius' command. There was every reason for Galerius to believe that Constantine would follow Maximianus. He had even learnt that Constantine was prepared to take independent initiatives if his interests demanded it. His doubts about Constantine's loyalty and obedience to him as *maximus augustus* could only grow in consideration of the fact that in addition to himself and Maximianus he also acknowledged Maxentius and Maximianus as legitimate rulers. Galerius presumably had some information about

¹⁰⁵ Cf. *cap. XXVII,4: Et iam ceteri milites nutabant, cum ille fracta superbia dimissisque animis Seueri exitum metuens ad pedes militum prouolutus orabat ne hosti traderetur*

¹⁰⁶ This follows from the fact that we meet this information in several different sources, e.g. *Paneg. IX (313),3,4, Aur. Vict. Lib. de caes. 40,9, Anon. Val. 3,7 and Zos. II,10,3*. Lactantius offers this noble version of the matter: *Tunc quaedam legiones detestantes scelus, quod socer generum oppugnaret et quod Romani milites Romam, translatis signis imperium reliquerunt (cap. XXXVII,3)*.

¹⁰⁷ Cf. *cap. XXVII,4: ac fugam trepidus capessuit, in qua opprimi facile potuit, si cum paucis quispiam sequeretur.*

¹⁰⁸ There is reason to emphasize this point as Lactantius' account has been universally accepted without reservations.

Maximianus' sojourn at Constantine's court and his work to establish an alliance with him. His apparently panicky departure from Rome was most likely, then, provoked by reports during the siege itself to Galerius that made him believe that Constantine had accepted Maximianus' offer of an alliance. It was essential, therefore, for Galerius to return to his own territories before Constantine had the chance to rally his troops for an attack. Galerius relied on the scorched earth policy to stop any pursuers presumably because he expected Maxentius to chase and attack him while Constantine sent his troops against him from Northern Italy. Galerius had a scare, but that was all. Constantine did not take up arms against him, and he managed to bring himself and his troops safely back to his own territory. But Galerius' fears were not groundless, as proved by the *panegyricus* given to celebrate Constantine's marriage to Fausta and Maximianus' simultaneous appointment of him as *augustus*.

Although Galerius in actual fact had not suffered any military defeat, his failure to remove Maxentius was a serious political setback. By October 307, he had presumably left Italy, which meant that the West had succeeded in escaping his authority. At that point, Constantine considered it opportune to take a clear stand. At the end of the year 307, he celebrated his marriage to Fausta, and on the same day, Maximianus granted him the title of *augustus*.¹⁰⁹ The political significance of these events was clearly expressed by a retor, unknown to us, in a *panegyricus* given in honour of Maximianus and Constantine.

The panegyricist emphasized Maximianus' status as *senior augustus*¹¹⁰ or *summus imperator*.¹¹¹ He used a fictitious conversation between Jupiter and Maximianus to show his audience that Jupiter had given *imperium* to Maximianus and would not permit him to refrain from exercising it.¹¹² Maximianus being sole possessor of *imperium* also made him *auctor imperii*,¹¹³ which meant that he had the right to decide whom he would choose as *socius maiestatis*.¹¹⁴ At an earlier point, Maximianus had adopted Con-

¹⁰⁹ Cf. *Paneg.* VI (307),1,1: ... *quae sunt huius propria laetitiae qua tibi Caesari additum nomen imperii et istarum caelestium nuptiarum festa celebrantur*. For a comprehensive discussion of the much debated issue of the date of Constantine's wedding, see J.-P. Callu, *Genio Populi Romani*, 74 ff.

¹¹⁰ *Paneg.* VI (307),3,3.

¹¹¹ *Cap.* 5,3.

¹¹² Cf. *cap.* 12,6: *Quid enim putas tibi, Maximiane, Iouem ipsum respondisse, cum tu ingenti animo diceres: "Recipe, Juppiter, quod commodasti?" Hoc profecto respondit: "on mutuum istud tibi tradidi, sed aeternum: non recipio, sed seruo."*

¹¹³ *Cap.* 3,2.

¹¹⁴ Cf. *cap.* 7,2.

stantius as *filius*, and in the same way he brought Constantine into the Herculian family by adopting him as his son.¹¹⁵ Conferring the honour of *augustus* on Constantine even happened for good reasons. Both with regard to his looks and his moral qualities, Constantine was the very image of his father¹¹⁶ – moreover, he had ruled with great determination and wisdom from the very beginning.¹¹⁷ Even though Constantine had been made Maximianus' co-ruler, the latter still possessed the ultimate authority of government. Maximianus made the final decision in all political matters, while Constantine ensured their execution – so a harmonious and indivisible Imperial governing authority was in existence.¹¹⁸ But Maximianus had not only made Constantine his *filius* but also his *gener* by giving him Fausta in marriage. The power of government would no longer be executed by changing families of rulers, but would remain unchangeably with the new Maximian-Constantine dynasty. That would ensure eternal existence for the Roman Empire.¹¹⁹

¹¹⁵ Cf. cap. 8,1-2: *tamen audias quam te principis ornet adfinitas. Hic est qui nomen, quod accepit a deo principe generis sui, dedit uobis, qui se progeniem esse Herculis non adulationibus fabulosis, sed aequatis uirtutibus comprobauit.*

¹¹⁶ Cf. cap. 3,3-4: *O diuinum tuum, Maximiane, iudicium, qui hunc tibi iure adoptionis nepotem, maiestatis ordine filium etiam generum esse uoluisti, diui, inquam, Constantii filium, in quem se prima illius iuuenta transfudit, in cuius ore caelestes illius uultus natura signauit ... Neque enim forma tantum in te patris, Constantine, sed etiam continentia, fortitudo, iustitia, prudentia sese uotis gentium praesentant.*

¹¹⁷ See cap. 5,1-3. Constantine's maturity showed itself not least in his contentment to remain *Caesar*, even though his father had left him an *imperium*, until he could be made *augustus* by the same person who had also granted his father that honour: *Siquidem ipsum imperium hoc fore pulchrius iudicabas, si id non hereditarium ex successione creuisses, sed, uirtutibus tuis debitum a summo imperatore meruisses* (cap. 5,3). By emphasizing the point that *imperium* was given not according to the principle of hereditary succession but in recognition of personal merit, the panegyrist brings out the novel and decisive aspects of Maximianus' appointment of Constantine as *augustus* – it was no empty ceremony void of political significance.

¹¹⁸ Cf. cap. 3,2: *Et te quidem sentio, senior Auguste, maiestate praecedere, te sequi, iunior imperator*, and 14,1-2: *Te, pater, ex ipso imperii uertice decet orbem prospicere communem caelestique nutu rebus humanis fata decernere, auspicia bellis gerendis dare, componendis pacibus leges imponere; te iuuenis, indefessum ire per limites qua Romanum barbaris gentibus instat imperium, frequentes ad socerum uictoriarum laureas mittere, praecepta petere, effecta rescribere. Ita eueniet ut et ambo consilium pectoris habeatis et uterque uires duorum.*

¹¹⁹ Cf. cap. 2,5: *qui non plebeia, gemina sed imperatoria stirpe rem publicam propagatis, ut, quod millesimo anno post urbem conditam euenisse tandem gratulabamur, ne mutatoria per nouas familias communis salutis gubernacula traderentur, id ex omnibus duret aetatibus, imperatores semper Herculii.*

Through his *panegyricus*, the unknown rhetor thus proclaimed a new order of Imperial government. In reality, this involved a rejection of the tetrarchy established by Diocletian. The criticism directed against Diocletian's abdication also implied rejection of the second tetrarchy which Diocletian had established in connection with his abdication in 305. Moreover, it is no coincidence that Galerius was never even mentioned. The emphasis on Maximianus as *summus imperator* meant dismissal as false of Galerius' claim to be *maximus augustus* – the tetrarchy established under his leadership in 306 had no authority to rule the Roman Empire. The intense emphasis on Maximianus' new assumption of power as the source of the restoration of the Roman Empire¹²⁰ no doubt served the purpose of documenting the ways in which the Galerian tetrarchy had compromised itself and lost all right to govern the Roman Empire through its political impotence. Only the new Herculean dynasty has eternal right to *imperium*.¹²¹ But it is also a rejection of Maxentius and the political position he had acquired. The panegyrist doesn't even hint at his existence because he had no place in the new Maximinian-Constantine government leadership. Maximianus as *summus imperator* possessed all power and authority but exercised it through Constantine as his assistant.¹²²

The political declaration on the right form of government leadership conveyed by the unknown panegyrist contains the result of the political negotiations conducted by Maximianus and Constantine in order to establish an alliance. Constantine was willing to acknowledge Maximianus as *summus imperator* in return for his won title of *augustus*. Constantine could also allow him *possessio imperii* and announce that as his subordinate he would execute his will and decisions. In reality, however, this cost him nothing as Maximianus did not have and was not given means of power such as troops to establish his will by force and as Maxentius had been disavowed at the same time, he was Maximianus' designated successor as the only legitimate ruler of the Roman Empire.

¹²⁰ Cf. *cap.* 10,1: *aut etiam di immortales probare uoluerunt tibi innixam stetisse rem publicam, cum sine te stare non posset*, and 12,7: *Statim igitur ut praecipitantem rem publicam refrenasti et gubernacula fluitantia recepisti, omnibus spes salutis inluxit*.

¹²¹ Moreover, it is hardly a coincidence that the panegyrist points to the prayers and orders issued by Rome in an attempt to pressurize Maximianus into taking up the onerous power of government yet again, see *cap.* 10,5-11,8. It is meant to emphasize Rome as *domina gentium* (*cap.* 11,7) and the source of the new Herculean dynasty. Rome has re-established herself and rejected the favouritism showed towards the Orient during the reign of Diocletian and Galerius.

¹²² So this is precisely the same form of government as in 286 when Diocletian ruled as *augustus* with Maximianus as his *caesar*, cf. above chapter I at note 44 and f.

Constantine made immediate public appearances as *augustus*.¹²³ It was not his intention, however, to draw all the political consequences of the proclamation of the new Maximinian-Constantine dynasty as the legitimate Imperial family. He had merely declared his claim to a senior position in the leadership of the Roman Empire when it came to reorganizing the government after the the decisive collapse of the third tetrarchy following Galerius' failed punitive expedition in Italy. When Constantine declared against Galerius and his tetrarchy, he gave him a warning that he intended to follow his own plans and even oppose Galerius if his demand was not met. At the same time, Constantine indicated that he was prepared to negotiate with Galerius in order to reach an understanding. He announced his willingness to cooperate by accepting Galerius' appointment of himself and Diocletian as consuls for the year 308.¹²⁴

According to Lactantius Maximianus returned to Rome from Gaul after Galerius had left Italy – probably in late 307 or early 308 after Constantine's marriage to Fausta. He was to have ruled together with his son.¹²⁵ They soon fell out, however, according to Lactantius because the father was envious of his son who possessed the de facto authority.¹²⁶

Lactantius is right in his comments on Maxentius' strong position in Rome. When Galerius had to leave Italy with unfinished business, Maxentius could consolidate his position. He ruled all of Northern Italy again – only Raetia remained in Galerius' hands – and about this time Spain seems to have decided to acknowledge him as emperor.¹²⁷ Maxentius was unrivalled as the strongest ruler in the West. He even proved to be a capable and energetic emperor who seemed to fulfil all expectations that he would re-establish Rome and bring back her venerable traditions. He secured the loyalty of the troops with generous pay and great gifts and he enjoyed general popularity both among the senatorial nobility and the population.

Lactantius is also right in seeing the essence of the conflict between father and son as a matter of *potestas*. We know that the Pretorian Guard supported by the people had appointed Maxentius emperor so he could

¹²³ This is clear from the issue of Constantine coins, cf. E.A. Sydenham in *The Numismatic Chronicle* 1934, 159.

¹²⁴ Cf. A.Degrassi: *I Fasti Consolari dell'Impero Romano* (1952), 78.

¹²⁵ Cf. *De mort.* XVIII,1: *Post huius fugam cum se Maximianus alter e Gallia recipisset, habebat imperium commune cum filio ...*

¹²⁶ Cf. *cap.* XXVIII,1-2: *sed iuueni magis parebatur quam seni, quippe cum prior [esset] et maior filii potestas, qui etiam patri reddiderat imperium. Ferebat iniquo animo senex quod non posset libere facere quae uellet, et filio suo puerili aemulatione inuidebat.*

¹²⁷ Cf. Groag in *RE* XIV col. 2434f.

claim to have been made *augustus* in a fully legitimate fashion. At the same time, it seems that the Senate had encouraged Maximianus to exercise his ruling rights as *augustus*, but this seems to have given rise to no disputes of authority as long as Maxentius needed his father's help to keep his position. While Maximianus had stayed at Constantine's court in Gall, Maxentius' position had become so strong that he could exercise sovereign government power as *augustus* of the Roman people. His father refused to accept this, however, most likely because Maximianus claimed – as the progenitor of the Herculian Imperial family – to be *summus imperator*. We can deduce the same point from the Gallic panegyrist. So Maximianus demanded that Maxentius yield to him and showed him obedience.

When Maximianus could not establish his claim for recognition as supreme emperor, however, he decided to deprive him of Imperial status rather than exercise Imperial power himself.¹²⁸ He called a *contio* consisting of both the army and the people to discuss *praesentia rei publicae mala*.¹²⁹ Their precise nature is never specified. In any case, Maxentius is accused of having caused all the ills and misfortunes that the Roman Empire suffers under – therefore he must be removed as a hindrance to the restoration of its peace and happiness. Maximianus took immediate action and tore the Imperial purple from his son's shoulders.¹³⁰ He has no doubt felt himself to be justified in this serious act because as *summus imperator* it was his responsibility and duty to look after the interests of the Empire, and as *auctor imperii* he must exercise his own judgement in granting or withdrawing *imperium*.¹³¹ He had expected his act to be met with immediate approval and seems to have counted on the support of his old sol-

¹²⁸ Cf. *De mort.* XXVIII,2: *Cogitabat ergo expellere adolescentem, ut sibi sua uindicaret.* Maybe Maxentius also dismissed the arrangement for the execution of government power that the panegyrist had presented, which in reality meant that he would be ignored as the emperor elected by Rome.

¹²⁹ Cf. *cap.* XXVIII,3: *Aduocauit populum ac milites quasi contionem de praesentibus rei publicae malis habiturus.*

¹³⁰ Cf. *ibid.*: *De quibus cum multa dixisset, conuertit ad filium manus et illum esse dicens auctorem malorum, illum principem calamitatum, quas res publica sustineret, deripuit ab humeris eius purpuram.* In view of the fact that immediately after this episode Lactantius mentions that Maximianus went to Galerius *quasi ut de componendo rei publicae* (*cap.* XXIX,1) Maxentius may have been accused of being the cause of the disruption of the Roman Empire because he held on to his status as *augustus*. Maybe this implies that he has rejected a new arrangement of political matters under his father's leadership.

¹³¹ Precedence existed for this, as Maximianus had taken *vestis purpurea* from Severus, cf. *cap.* XXVI, 10, but given *imperium* to Constantine by making him *augustus*.

diers.¹³² But he was quite mistaken. *Contio* backed Maxentius wholeheartedly and chased his father from Rome in the most ignominious fashion.¹³³

This dramatic event probably occurred in April 308. As the point of contention had been whether Maxentius was to be dependent on Maximianus or not, the inevitable result was a break between Maxentius and Maximianus and Constantine as his father's ally. In this conflict Maxentius turned out to enjoy the complete trust of the army and the people – they ratified, as it were, their choice of him as *augustus* by dismissing his father. Maxentius had never been stronger. As another result of his break with Maximianus, he assumed the right for himself to appoint consuls – starting with himself and his son Romulus.¹³⁴ This happened in connection with the Roman *dies natalis* on 21 April, undoubtedly to signal that Rome had acquired a dynasty that wished to protect her interests as *domina gentium*.

3. The Carnuntum Conference and the Fourth Tetrarchy

After his unsuccessful campaign in Italy, Galerius had to accept that the tetrarchy under his leadership had collapsed. The usurper Maxentius had prevailed and had secured his position as a strong and independent ruler in the West. Though Constantine remained *caesar* to Galerius, he had acted as *augustus* in an alliance with Maximianus and only sought to expand his own sphere of power. The West had ignored Galerius' authority completely and was divided among rivalling rulers. Under these conditions Galerius saw no alternative to a request to Diocletian asking him to help the fragmented Roman Empire in his capacity as *senior augustus*. We cannot be certain that he actually asked him to assume the reins of government himself. He may have done so.¹³⁵ Diocletian was clearly meant to assume a political role since Galerius appointed him as his co-consul for the year 308.¹³⁶ Diocletian responded favourably to Galerius' request in that he

¹³² That must be the meaning of *cap. XXVIII,2: quod facile uidebatur, quia milites [ei] errant qui Seuerum reliquerant.*

¹³³ Cf. *cap. XXVIII,4: Exutus ille praecipitem se de tribunali dedit et a militibus exceptus est. Quorum ira et clamore perturbatus est senex impius et ab urbe Roma tanquam Superbus alter exactus [est].*

¹³⁴ Cf. A.Degrassi, *I Fasti Consolari*, 78.

¹³⁵ This follows from *Epit. de caes. 39,6: Qui dum ab Herculio atque Galerio ad recipiendum imperium rogaretur* However, the information in this text is often of doubtful validity, so we cannot rely on it entirely.

¹³⁶ Cf. A.Degrassi: *I Fasti Consolari*, 78.

accepted his appointment as consul and agreed to go to Carnuntum, the capital of the province of Pannonia, to meet with Galerius.¹³⁷

Lactantius explains that Maximianus stayed for a while with Constantine after he had been driven out of Rome and before he went to Galerius to discuss the state of the Empire with him. But this meeting must have been the Carnuntum conference itself.¹³⁸ Lactantius claims that Maximianus would use the cover of reconciliation to kill Galerius.¹³⁹ Even if this must be rejected as pure fantasy, the official explanation was still that Maximianus sought reconciliation with Galerius. This was probably the real motive for Maximianus to come to Carnuntum. He must have realized that after his failed coup d'état in Rome, he could only acquire a political position if he reached an understanding and cooperation with Galerius. He and Constantine must have abandoned the idea of following independent policies and have wanted to work with Diocletian and Galerius to establish a new order for the Imperial leadership of government.¹⁴⁰ Moreover, though, Maximianus had to be present at Carnuntum because he was still *senior augustus* next to Diocletian and was responsible for the smooth running of the tetrarchan government established by Diocletian.¹⁴¹

The so-called Carnuntum conference, then, involved the two *seniores augusti* and Galerius as the legitimate *maximus augustus*. They probably convened in the autumn of 308. Their deliberations appear to have been

¹³⁷ Cf. *De mort.* XXIX,2: *Aderat ibi Diocles a genero nuper accitus* Only Zos. II,10,4 mentions Carnuntum as the meeting place but locates it erroneously in Gall.

¹³⁸ The text of *Codex Colbertinus*, which both S. Brandt and J. Moreau follow in their editions, states: *exclusus a suo quocumque uenisset* (*cap.* XXIX,1). Based on Lactantius, however, this makes no sense as he was never made an example of by being driven from Constantine's territories, where he had just stayed. Therefore the text should read *excluso a suo*. (sc. from Rome and Italy) *Quo cum uenisset, aderat ibi Diocles etc.* as N.H. Baynes suggests in *Gnomon* CXII (1937), 507. Then it is perfectly obvious that Maxentius went to Carnuntum, where Diocletian and Galerius also appeared.

¹³⁹ Cf. *De mort.* XXIX,1: *Rediens rursus in Gallias, ubi aliquantum moratus est, profectus <est> ad hostem filii sui Maximianum, quasi ut de componendo rei publicae statu cum eo disputaret, re autem uera, ut illum per occasionem reconciliationis occideret ac regnum eius teneret exclusus a suo*

¹⁴⁰ Their wish to pursue the same policies can surely be seen from the fact that Maximianus had stayed *aliquantum* with Constantine in Gaul before he set out for Carnuntum. There is no reason to doubt Lactantius' information on Maximianus' second visit to Gall, cf. J. Moreau, *Commentaire*, 365.

¹⁴¹ The Maximianus tradition has not maintained this, quite understandably. When Maximianus incurred *damnatio memoriae*, only material was included that showed him in Zosimos' words φύσει φιλοπράγμων και ἄπιστος and had been rightly sentenced to eternal oblivion.

concluded by 11 November when Licinius was robed in Imperial purple.¹⁴² On the other hand, we cannot say for certain when the conference began. Much evidence suggests that it lasted for months,¹⁴³ so it seems reasonable to assume that they met in late summer. We have no certain information on the way the deliberations developed. From the results we can deduce that they discussed the maintenance of peace and order within the Roman Empire under the leadership of a firm Imperial government.

Several sources state that Diocletian was asked quite insistently to resume the reins of power.¹⁴⁴ This is most likely true, because his authority was unchallenged and he enjoyed so much respect that he had every chance to create a harmoniously effective tetrarchy under his personal leadership. But Diocletian refused to give up his *otium*.¹⁴⁵ Subsequent discussions ended in a clear repudiation of Maximianus and his political activities since 306. He was forced to abdicate once again;¹⁴⁶ his son Maxentius' bid for Imperial status was refused – he may even have been declared *hostis rei publicae*¹⁴⁷ as a usurper, and finally Constantine was stripped of his title of *augustus* and reduced to a mere *caesar*.¹⁴⁸ Licinius became the new *augustus* of the West to succeed the deceased Severus.

¹⁴² This is the most natural reading of *De mort.* XXIX,2: *Aderat ibi Diocles a genero nuper accitus, ut quod ante non fecerat, praesente illo imperium Licinio daret substituto in Seueri locum.* As for the intense debate on the date of the Carnuntum conference, see O. Seeck, *Untergang der antiken Welt* I, 489 f. and J. Moreau, *Zur Datierung des Kaisertreffens von Carnuntum* in *Scripta Minora*, 62. ff. The latter offers good reasons to reject suggestions that it occurred in 307 rather than 308.

¹⁴³ Cf. below at note 172.

¹⁴⁴ *Epit. de caes.* 39, 6 says that both Maximianus and Galerius had asked Diocletian to take over the power of government. According to *Zos.* II,10,4 only Maximianus attempted to persuade Diocletian resume Imperial government.

¹⁴⁵ Thus *Zos.* II,10,5 as well as *Epit. de caes.* 39,6 which describes Diocletian's refusal in these words: *tamquam pestem aliquam detestans in hunc modum respondit: 'Utinam Salonae possetis visere olera nostris manibus instituta, profecto numquam istud temptandum iudicaretis'.*

¹⁴⁶ This is clear from *Paneg.* VII (310),14,6, in which Maximianus is described: *ab Urbe pulsum, ab Italia fugatum, ab Illyrico repudiatum.* Moreover commemorative coins were struck to mark the abdication of both Diocletian and Maximianus, cf. E.A. Sydenham in *The Numismatic Chronicle* 1934, 167.

¹⁴⁷ This term is applied to Maxentius in *Paneg.* XIX (313),18,2. Strictly speaking, this condemnation may not date from the Carnuntum conference, as suggested by J. Moreau, *Commentaire*, 368 and Groag in *RE* XIV col. 2439. It may be a consequence of the *damnatio memoriae* passed on Maxentius by the Senate on Constantine's initiative after the battle of the Milvian bridge.

¹⁴⁸ This appears from extant papyri that have Licinius as *augustus* precede Constantine as *filius augusti* and *caesar*, cf. below at note 166.

No doubt it was only because of Diocletian's personal authority that the Carnuntum conference produced a result. He wanted the tetrarchy to continue and supported Galerius as the man to ensure it. Maxentius and Maximianus had to be removed because they had challenged the leadership of the legitimate tetrarchy through their presumptuous actions and caused the Empire to be involved in disagreements and fights. Constantine had continuously followed his own paths and pursued his own goals without any concern for the interests of the tetrarchy, so for that reason alone, he could not acknowledge him as the *augustus* of the West to succeed Severus. On the other hand, Constantine had avoided an open break with Galerius, and his secure position made it dangerous to repudiate him, so it seemed to have been considered safest to let him remain, but only as *caesar*. In return, Galerius needed a strong and capable man as *augustus* of the West, a ruler that he could trust. Licinius seemed to be just the right choice. He was Galerius' old friend and brother-in-arms, had proved himself a fine army leader and had even been his personal political advisor whose counsel he had always heeded.¹⁴⁹ He possessed just those qualifications needed to defeat Maxentius and introduce the tetrarchy also in the West.¹⁵⁰ The appointment of Licinius as the new *augustus* of the West meant that the principle of seniority, which was an integrating part of the tetrarchan form of government, had to be ignored, but under the circumstances there was nothing else to do.

The new Jovian-Herculean tetrarchy – the fourth – with Galerius and Licinius as *augusti* and Maximinus and Constantine as *caesares* was perceived as divine and must therefore exist unchallenged.¹⁵¹ The same point was no doubt emphasized by Diocletian's presence at Licinius' *dies imperii*

¹⁴⁹ Cf. *De mort.* XX,3: *Habebat [Galerius] ipse Licinium ueteris contubernii amicum et a prima militia familiarem, cuius consiliis ad omnia regenda utebatur* *Zos.* II,11,1 also states that Galerius appointed Licinius *augustus* because of their old friendship.

¹⁵⁰ *Anon. Val.* 5,13 emphasizes the destruction of Maxentius as Licinius' primary assignment: *Licinius ... a Galerio factus imperator, uelut aduersum Maxentium pugnaturus* and similarly *Zos.* II, 11, 1: *Λικίνιον βασιλέα καθίστησιν, ἐπιστρατεύσα τοῦτον Μαξεντίῳ διανοοούμενος*. This also implies that Licinius was to take over Maxentius' territories: Italy, Spain and North Africa as *de jure* his possessions as the legitimate *augustus* of the West.

¹⁵¹ This is substantiated by the altar built in Carnuntum with the following inscription: *D(eo) Soli Invicto) M(ithrae) fautori imperii sui Iouii et Herculii religiosissimi Augusti et Caesares sacrarium restituerunt* (CIL III, No. 4413). When the emperors consecrated their altars to the sun god Mithras, they no doubt wished to show due respect to the deity that enjoyed so much popularity among the soldiers of the Danube area.

on 11 November when he was given Imperial status.¹⁵² In that way, Diocletian as *senior augustus* sanctioned the appointment of Licinius as the new *augustus* of the West. But Maximianus must have attended, too.¹⁵³ On that occasion, he may have officially taken off his Imperial purple which was then transferred to Licinius.¹⁵⁴

The new fourth tetrarchy could claim Jovian-Herculean origin because it had come about with the official approval of the two *seniores augusti*, but it never worked according to intentions. The primary reason was opposition from the least likely quarter: Maximinus.

Maximinus had given loyal support to Galerius as *maximus augustus* of the Empire since Constantius' death in 306. In his territories, he followed Galerius' consular appointments and his coinage. Galerius could rely on his *caesar* and always count on his unconditional support. For that reason, Maximianus was justified in considering the possibility that during his punitive expedition into Italy Galerius might strengthen his won army by involving Maximinus' troops and that would have doubled his army and made it invincible.¹⁵⁵ In the West Maximinus was regarded as Galerius' faithful *caesar* which is clear from the fact that recognition of Galerius as the leader of the tetrarchy always involved recognition of Maximinus as a legitimate ruler. Conversely, political opposition to Galerius always included rejection of Maximinus.¹⁵⁶ In addition, as we have established, Maxi-

¹⁵² In reality, this ceremony marked the inauguration of the restored tetrarchy, and it may have taken place not at Carnuntum but at Serdica, Galerius' preferred residential town.

¹⁵³ This is indicated in *De mort.* XXIX,2: *Itaque fit utroque praesente*, a phrase that must refer to Diocletian and Maximianus.

¹⁵⁴ We have no sources that mention such an official abdication by Maximianus. On the contrary, Lactantius says about Maximianus: *redit in Galliam ..., et ut posset fallere, deponit regiam uestem* (*De mort.* XXIX,3). This information carries no value, however, as it is obviously intended merely to reveal Maximianus' duplicity: he wanted to make it seem that he did not want to exercise any Imperial power only so that he could cheat Constantine out of the Imperial purple all the more easily. Lactantius did not feel the need to report that Maximianus had abdicated officially in connection with Lactantius' Imperial appointment, and most likely for the same reason that he mentioned the Carnuntum conference only in indistinct terms, namely that these events represented an obvious defeat for Constantine. However, *Paneg.* VII (310),14,5: *ab Illyrico repudiatum tuis provinciis, tuis copiis, tuo palatio recipisti* definitely creates the impression that Constantine receives an already dethroned emperor in Gall. J. Moreau's comments in *Commentaire*, 368-69 on Maximianus' official abdication in Gaul must therefore be discarded as gratuitous with no real substantiation from sources.

¹⁵⁵ See *De Mort.* XXVII,1.

¹⁵⁶ Coins struck in the western *officinae* show Galerius and Maximinus together or not at all. Only coins struck in the Carthaginian *officina* in the autumn of 306 constitute

minus had governed the provinces entrusted to him conscientiously and skilfully, so he had truly fulfilled the expectations and demands that could be made of a *caesar* based on the principles of the Diocletian tetrarchy.

Maximinus for his own part had every reason to wish the Diocletian tetrarchy to continue, as he was certain in accordance with the established principle of seniority to succeed Galerius as *maximus augustus*. Therefore, he supported Galerius' fight against all usurpation and rejected any attempt to change the existing tetrarchan order.

Given the smooth cooperation that they had experienced, Galerius probably expected Maximinus to accept the decisions of the Carnuntum conference without further ado. He could probably sanction the condemnation of Maxentius as a usurper and the demoting of Constantine to *caesar*, but the appointment of Licinius as *augustus* led to open conflict between Maximinus and Galerius.

Lactantius is the only writer to report on this conflict.¹⁵⁷ He states that Maximinus angrily dismissed the appointment of Licinius as *augustus* because he did not want to continue to accept third place as *caesar* in the Imperial ranking.¹⁵⁸ In other words, Maximinus demanded to be appointed *augustus* and take up second position after Galerius – Licinius would then be relegated to third place in the tetrarchan ranking.¹⁵⁹ Galerius sent representatives to Maximinus several times to encourage him to respect the decision made and yield to Licinius as older and more experienced.¹⁶⁰ But

an exception. Galerius' name has been excluded, but Maximinus' name appears on them together with that of Maxentius. G. Elmer was the first to notice this surprising practice and comments, "Vielleicht beruht die Prägung nur auf Unkenntnis der Lage oder fürchtete man sich in Afrika vor den Truppen des Maximinus, die aus Ägypten gegen Karthago hätten vorgehen können, vielleicht wollte man ihn auf diese Art verpflichten" (*Nu-mismatische Zeitschrift* 65 (1932), 32 („Die Prägungen des staatlichen römische Münz-amtes in Karthago“). The first explanation that Elmer suggests is no doubt correct.

¹⁵⁷ In a brief note in *h.e.* VIII,13,14-15, Eusebius refers to the same events, but he does so in such a distorted fashion that his information is quite worthless.

¹⁵⁸ Cf. *De mort.* XXXII,1: *Nuncupato igitur Licinio imperatore Maximinus iratus nec Caesarem se nec tertio loco nominari uolebatur*. From the context, it is clear that *imperator* means *augustus* as opposed to *caesar*.

¹⁵⁹ Nothing suggests that Maximinus himself had any wish to succeed Severus as *augustus* of the West. He did not object to Licinius' appointment as such, but he wished to be appointed *augustus* himself in order to precede him in the ranking.

¹⁶⁰ Cf. *cap.* XXXII,2: *Mittit ergo ad eum saepe legatos, orat sibi pareat, dispositionem suam seruet, cedat aetati et honorem deferat canis*. Presumably 'his disposition' refers primarily to the decision made by Galerius, but as it concerns the new tetrarchy which was established at the Carnuntum conference, it may well signify the new tetrarchy led by Galerius. For the use of *dispositio* in this sense, see XVIII,5. In *cap.* XX,3

Maximinus rejected all suggestions categorically saying that the principle of seniority must be respected and he must precede Licinius.¹⁶¹ His resistance was this obstinate because the question of Galerius' successor depended entirely on the preservation of the principle of seniority – if Licinius as *augustus* assumed second position in the Imperial rankings he would also displace Maximinus as Galerius' successor as *maximus augustus*.¹⁶² Faced with Maximinus' intractable rejection, Galerius felt forced to seek a compromise. Accordingly, Galerius and Licinius were to remain *augusti*, but Maximinus and Constantine were to be named *filiii augustorum*.¹⁶³ This apparently satisfied Maximinus according to Lactantius.

It seems that scholars have agreed that the arrangement was a mere empty gesture on the part of Galerius.¹⁶⁴ Given Maximinus's energetic resistance as a matter of principle, this can hardly be the case. The new titles must be seen as the expression of an arrangement which satisfied most of Maximinus' demands. We may well assume that *filiii augustorum* served as a declaration that Maximinus and Constantine were to succeed Galerius and Licinius as *augusti*. In that case, the appointment of Licinius as *augustus* was an exception that would not be repeated – the principle of seniority was to retain its validity in the tetrarchy. Thus Maximinus was to have received a clear promise that he would succeed Galerius as *augustus* of the East – Galerius may even have declared his definitive intention of

Lactantius said that in 306 Galerius did not wish to appoint his old friend and advisor as *caesar*, only *augustus*. As shown above, this can hardly be true of the situation in 306. But the passage may well report the reason given by Galerius in 308 to explain why he made Licinius *augustus* without appointing him *caesar* first.

¹⁶¹ Cf. *cap. XXXII,3: At ille tollit audacius cornua et praescriptione temporis pugnat: sese priorem esse debere qui prior sumpserit purpuram; preces eius et mandata contempsit.*

¹⁶² Even if Lactantius' account has defined very clearly the essence of the dispute, it serves first and foremost as a demonstration of Maximinus' obstreperous defiance of his superior and his rude ungratefulness to the man that had pulled him out of nothing. Such is the intention behind this remark: *Dolet bestia [sc. Galerius] et mugit, quod cum ideo ignobilem fecisset Caesarem, ut sibi obsequens esset, is tamen tanti beneficii sui oblitus uoluntati ac precibus suis impie repugnet* (*cap. XXXII,4*).

¹⁶³ Cf. *cap. XXXII,5: Victus contumacia tollit Caesarum nomen et se Liciniumque Augustos appellat, Maximinum et Constantium filios Augustorum*. Extant papyri show that Lactantius' information is correct except that *caesarum nomen* was not removed. It was retained but the title *filius augusti* or *filiii augustorum* was added.

¹⁶⁴ Examples include comments by O. Seeck "eine blosse Änderung der Titulatur" (*Untergang der antiken Welt* I, 104), J. Moreau "die Verleihung eines sich unbedeutenden Titels" (*Scripta Minora*, 69) and H. Feld "den Beruhigungstitel 'filiii Augustorum'" (*Der Kaiser Licinius* (1960), 78).

abdicating after his *vicennalia*. In return, Maximinus had to acknowledge Licinius as *augustus* but this concession may have been all the easier to make because he must also be interested in a strong *augustus* in the West, one that could defeat Maxentius and establish the tetrarchy and have it recognized also in the West.

Lactantius' comment that Maximinus' *contumacia* forced Galerius to make both him and Constantine *filius augustorum* is essentially correct. A number of coins struck in the *officinae* controlled by Maximinus show just how far he was prepared to go to defy Galerius. After the Carnuntum conference an admittedly limited number of *folles* were struck in Antiochia bearing Maximianus' name and the inscription *Genio Imperatoris*,¹⁶⁵ and a single issue of *folles* in Alexandria carried the same legend.¹⁶⁶

As these *folles* emissions expressed Maximinus' recognition of Maximianus as ruling emperor, they represented open defiance of Galerius. The extent of his defiance, however, depends on the dating of these *folles* emissions.

It is clear that these *folles* were issued after the Carnuntum conference, but numismatic criteria allow us to be no more specific than to say that the issue occurred some time in the year 309.¹⁶⁷ The Egyptian papyri, however, take us a step further.

A papyrus from 12 January 309 shows that in Egypt *Licinius augustus* and *Flavius Valerius Constantinus filius augustorum* were acknowledged as consuls for the year.¹⁶⁸ We can deduce from this that already by the end of the year 308 Maximinus must have accepted Galerius' appointment of Licinius and Constantine as consuls for the year 309 and recognized Licinius as *augustus* and approved of the title *filius augustorum*. But from that also follows that he could not have issued coins with the legend *Genio*

¹⁶⁵ Cf. *Roman Imperial Coinage* VI,607: "A very remarkable innovation, peculiar to this issue, is the reappearance of Hercules (with long legend *Imp C M Aur Val Maximianus P F Aug*, matching those of Galerius and Licinius, and with cuirassed bust) on rare coins, and with *Genio Imperatoris*". See also E.A. Sydenham in *The Numismatic Chronicle* 1934, 162. The term *Genio Imperatoris* was reserved for the emperor in office, cf. J. Moreau: *Scripta Minora*, 69.

¹⁶⁶ Cf. *Roman Imperial Coinage* VI, 656: "*Genio Imperatoris* ... in at least one brief emission (off. B only) for Hercules".

¹⁶⁷ In *Roman Imperial Coinage* VI, 607 and 656 the date of the Antiochian *folles* issue is given as "C. early – later 309" and for the Alexandrian issue "c. 309".

¹⁶⁸ *P.Cair. Isidor. No.95*, see A.E.R. Boak & H.C. Youtie, *The Archive of Aurelius Isidorus* (1960), 343, l. 11-13. Another papyrus, *P.Cair. Isidor. No.90* from 2 March 309 also mentions Licinius and Constantine as consuls – the latter, though, here carries the title *filius augusti*, see *op.cit.* 333 l. 17.

Imperatoris which proclaimed Maximianus as the ruling leader.¹⁶⁹ The issue of *folles* with this appearance must have occurred no later than the end of the Carnuntum conference – so they must be much earlier than hitherto assumed.¹⁷⁰

These *folles* issues have been seen as evidence that Maximianus had sought an alliance with Maximinus and been successful for a while.¹⁷¹ This is an overinterpretation. It is worth noting that neither Lactantius nor Eusebius reveal any knowledge of a connection, and much less an alliance, between Maximinus and Maximianus. Had they possessed any such knowledge, we may safely assume that they would have taken such an excellent opportunity to discredit Maximinus – Lactantius certainly used Maximinus' objection to Galerius to the fullest in order to show him in an unfavourable light! As a further argument against any contact between them, we can point to the fact that nothing in Maximinus' political positions up to that point could give Maximianus reason to believe that a suggestion to him of political cooperation would meet with success.

On the other hand, it is not unthinkable that Maximinus intended his *folles* emissions as a warning to Galerius that he would look for support from Maximianus if his demand to preserve the principle of seniority was not respected. Galerius could in no way afford to ignore such a threat. If he did, he could risk seeing a dangerous alliance among those dissatisfied with the Carnuntum decisions – and as we shall see, Constantine was one of them. It must have been crucial for Galerius to make Maximinus give up his resistance. He achieved this, as we have said, in a compromise according to which Maximinus and Constantine were to be considered sons of Galerius and Licinius respectively as legitimate *augusti*.

Even though Maximinus reached an understanding with Galerius, he still seems to have harboured some resentment against the decisions of the Carnuntum conference. It appears from a papyrus, dated 14 June 309. It refers to an edict (πρόσταγμα) issued by *nostrī domini Marcus Aurelius Valerius Maximianus senior augustus et Galerius Valerius Maximianus et*

¹⁶⁹ This would have been an act of rebellion by Maximinus against Galerius.

¹⁷⁰ Of course, this does not exclude the possibility that the issues could date from the time after the Carnuntum conference before new orders had arrived with the mint masters as to the legends on the coins.

¹⁷¹ E.A. Sydenham thus claims: “Driven from Rome by Maxentius, not without reason, and disappointed of any help from Galerius, he seems to have tried a chance alliance with Daza. That he succeeded to some extent – far enough, at any rate, to get a few coins struck – seems a fair induction to make from the follies just described” (*The Numismatic Chronicle 1934*, 163). J. Moreau finds this understanding confirmed by *P.Cair Isidor. No.8*, see *Scripta Minora*, 70f.

*Valerius Licinnianus augusti et Galerius Valerius Maximinus et Flavius Valerius Constantinus filii augustorum nobilissimi caesares.*¹⁷² The date of the edict is not given, but given that it is a personal declaration written to a *censitor* in accordance with the Imperial order of the edict to organize a new census, the edict must have been issued no later than the spring of 309. It is surprising, at any rate, that Maximianus here appears alone as *senior augustus*. We have no evidence to show that Galerius officially referred to Maximianus as *senior augustus* except in connection with Diocletian,¹⁷³ so the explanation must be that when Maximianus sent on Galerius' *census* edict to the local authorities, he had Maximianus' name added in order to show that he only recognized him as *senior augustus*. This deliberate exclusion of Diocletian's name seems most likely to be a protest against Diocletian who had given his authority to the new tetrarchy that grew out of the deliberations of the Carnuntum conference, but again, we must be careful not to overestimate the significance of this act. Not only had Maximianus in reality accepted the new tetrarchy, but also soon stopped giving special attention to Maximianus by completely avoiding any mention of him.¹⁷⁴ We do not know if there is any particular reason for this, but at any rate it can only be understood to mean that Maximianus had found it meaningless to continue to display any objections to Galerius. He had apparently completely accepted the new tetrarchy.

Constantine had no doubt expected to have been recognized as the new *augustus* of the West at the Carnuntum conference. When it was decided instead that he was to be *caesar* – so the status of *augustus* conferred on him by Maximianus was rejected – he protested so strongly that it meant a *de facto* break with the new tetrarchy. He rejected Galerius' consular appointment for the year 309. Even though the appointment of Constantine was meant as a gesture on the part of Galerius, he could not accept this because it would have meant accepting the decisions of the Carnuntum conference. He was only prepared to acknowledge Diocletian and Galerius who had also been consuls in 308, and in that way he showed that he only

¹⁷² *P. Cair. Isidor. No. 8*. I have reconstructed the original Latin Imperial titles from the Greek text

¹⁷³ The commemorative coins struck after the Carnuntum conference in honour of Diocletian and Maximianus mention them together as *seniores augusti*.

¹⁷⁴ This is shown in *P. Strassb. No. 42* (= No.210 in L. Mitteis & U. Wilcken, *Grundzüge und Chrestomathie der Papyruskunde* I, 2 (1912), 246 f.). It is dated 27 February 310 and also contains a personal declaration constructed in accordance with the Imperial *census* edict of the spring of 309. Here we find the same official Imperial titles as in *P. Cair. Isidor. No. 8* of 14 June 309 with the one exception that Maximianus is not mentioned at all.

respected decisions taken before the Carnuntum conference. Moreover, he had coins struck in his *officinae* bearing only his own name. The deliberate exclusion of Galerius' and Licinius' names showed very clearly that Constantine intended to pursue his own policies and generally pretend that the fourth tetrarchy created at the Carnuntum conference did not exist at all.

It was an equally blatant act that Constantine allowed Maximianus to stay in his territories. He considered him to have abdicated¹⁷⁵ and had no more intention than before to grant him any kind of political power.¹⁷⁶ On the other hand he made sure that Maximianus could live in a manner befitting a retired emperor, and he also issued an order that he was to be respected and obeyed as if he was still emperor.¹⁷⁷ Constantine probably felt that he could still use him as an important player in the political power game. Maximianus was the founder of the Herculean Imperial family and thus an important figure to be kept in readiness in case he was needed.

This seems to be the only explanation why Maximianus conceived the plan to grab Imperial power – he was not satisfied to be merely an extra in Constantine's political game. While Constantine was away on a campaign against the Franks, Maximianus went to Arles where he won over significant sections of the troops stationed there. He took purple and addressed all Constantine's armies with a suggestion to join him.¹⁷⁸ The sources are no doubt correct in mentioning generous gifts as having an effect on the sol-

¹⁷⁵ After the Carnuntum conference Constantine has coins struck bearing the legend *Quies Aug.*, see *Roman Imperial Coinage* VI, 156 and 158. This was an official proclamation of Maximianus' abdication.

¹⁷⁶ As a condition for granting him asylum, Constantine may have demanded a promise under oath that Maximianus would not involve himself in politics again. This seems to be the reason why a panegyrist who told how Maximianus broke his oath to Diocletian by resuming Imperial purple, then continued: *Non miror quod etiam genero peieravit. Haec est fides, haec religio Palatini sacrarii deuota penetralibus ...* (*Paneg.* VII (310),15,6-16,1).

¹⁷⁷ Cf. *Paneg.* VII (310),15,1: *Cui tu [Constantine] summa et diuersissima bona, privatam otium et regias opes, dederas, cui digredienti aulicos mulos et raedes, cui impensius etiam quam tibi occurrere obsequia nostra mandaueras, cuius omnibus iussis sic statueras oboedire ut penes te habitus, penes illum potestas esset imperii.* This is probably the reason why a few mints on their own initiative struck coins that showed Maximianus as *augustus*, see E.A. Sydenham in *The Numismatic Chronicle* 1934, 163.

¹⁷⁸ See *De mort.* XXIX,3-5. Cf. also *Paneg.* VII (310),16,1: *ut lente et cunctanter, iam scilicet cum illis belli consiliis, itinere confecto, consumptis copiis mansionum ne quis consequi posset exercitus, repente intra parietes consideret purpuratus et bis depositum tertio usurparet imperium, litteras ad sollicitandos exercitus mitteret* The passage must presumably be understood to say that Maximianus was in Trier with Constantine and went from there to Arles where he had himself proclaimed emperor, cf. E. Galletier, *Panegyriques Latins* II, 38-39.

diers¹⁷⁹ – and that is no surprise. It is much more significant that although they are hostile to Maximianus, they report that he found support because he claimed to be the rightful emperor. He has presumably availed himself of the arguments that he was *augustus aeternus* which the panegyrist presented at Constantine's wedding to Fausta towards the end of the year 307.¹⁸⁰ In addition a number of accusations are directed at Constantine.¹⁸¹

Support for Maximianus was so considerable that a panegyrist soon after characterized the resulting situation as *bellum civile*.¹⁸² When Constantine learnt of this, he took immediate steps to crush what to him looked like open rebellion. The speed with which Constantine acted is very clear evidence that he considered the Maximianian uprising extremely dangerous.¹⁸³ With the utmost speed he moved his troops south from the Rhine area – probably from Trier – and shipped them down the Saône and the Rhône rivers.¹⁸⁴ He arrived in Arles only to learn that Maximianus had moved on to heavily fortified Marseille.¹⁸⁵ He followed and his soldiers managed to take the harbour, but an attack on the city itself failed – supposedly the scaling ladders were too short.¹⁸⁶ However, traitors within the city soon allowed Constantine to take possession of the entire city.¹⁸⁷

¹⁷⁹ Cf. *De mort.* XXIX,5: *repente purpuram sumit, thesauros inuadit, donat ut solet large ...*, and *Paneg.* VII (310),16,1: *... fidem militum praemiorum ostentatione turbare temptaret.*

¹⁸⁰ The panegyrist of 307 blamed Diocletian for abdicating and told Maximianus that he was *aeternus augustus*, but the panegyrist of 310 takes the opposite position: *Hunc ergo illum qui ab eo fuerat frater adscitus, puduit imitari, huic illum in Capitolini Jovis templo iurasse paenituit* (*Paneg.* VII (310),15,6). Here it is essential to claim that he who has abdicated has relinquished *imperium* and become merely *privatus*. Therefore Maximianus has the right to proclaim himself emperor again.

¹⁸¹ Cf. *De mort.* XXIX,5: *fingit de Constantino quae in ipsum protinus reciderunt*. Unfortunately, Lactantius does not specify the accusations. Shortly afterwards, Maximianus is labelled *rebellis imperator, pater impius, socer perfidus* (XXIX,8), quite probably because he accused Constantine of rebellion against the legitimate emperor and of not having shown him due respect and obedience.

¹⁸² *Paneg.* VII (310),15,2.

¹⁸³ Cf. *De mort.* XXIX, 6: *Imperatori propere quae gesta sunt nuntiat. Admirabili celeritate cum exercitu reuolat.*

¹⁸⁴ See *Paneg.* VII (310),18,1-5.

¹⁸⁵ See *cap.* 18,6.

¹⁸⁶ See *cap.* 19.

¹⁸⁷ The panegyrist does not mention the defeat of the city, but seems to imply that it surrendered before Constantine could regroup his troops for a new attack, see *cap.* 20,3. Lactantius, however, specifically reports that Maximianus was given up as a result of treachery: *Tum subito a tergo eius portae reserantur, milites recipiuntur. Attrahitur ad imperatorem rebellis imperator, pater impius, socer perfidus* (*De mort.* XXIX,8). The

The panegyrist of 310 wished to throw a veil over Maximianus' end, but he does hint that Constantine showed him mercy after which Maximianus supposedly took his own life.¹⁸⁸ According to Lactantius, Constantine deprived Maximianus of Imperial purple after the capture of Marseille but apart from a fierce scolding, he spared his life.¹⁸⁹ He then tried to involve his daughter Fausta in an attempt on Constantine's life, but when it failed because Fausta revealed the plan to Constantine, it was in reality demanded of Maximianus that he take his own life. He chose death by hanging.¹⁹⁰

It must be considered most likely that Constantine was behind Maximianus' death – whether he acted to have him killed or made it clear to him that he must commit suicide is of no significance in this connection.¹⁹¹ Considering the fact that death was the legally correct punishment for a usurper, it is remarkable that both the panegyrist of 310 and Lactantius make a strong point of clearing Constantine of any involvement in Maximianus' death. It shows, if nothing else, that it was still a dangerous matter to harm Maximianus, no doubt because he was still recognized as the progenitor of the Imperial Herculan family. Constantine must have had very weighty reasons, then, to bring about his death. He must have considered him so dangerous to his authority that he simply had to be removed.

It seems, on the face of it, rather odd that a retired emperor could present a political danger to Constantine. Lactantius may give a hint of an explanation when he reports a rumour that Maximianus' disagreement with his son Maxentius merely served as a cover for their true intentions, namely to seize world power after they had killed all their opponents.¹⁹² Lactantius dismisses the rumour as false, though, and it was true that the break

event described in *De mort.* XXIX,7 is in part fictitious and serves only to expose Maximianus' ingratitude and insolent behaviour towards Constantine, cf. below note 194.

¹⁸⁸ Cf. *Paneg.* VII (310),20,3-4: *Tu, quod sufficit conscientiae tuae, etiam non merentibus pepercisti. Sed ignosce dicto, non omnia potes: di te uindicant et inuitum. Cap.* 14,5 specifically states that Maximianus committed suicide.

¹⁸⁹ Cf. *De mort.* XXIX,8: *Audit scelera quae facit, detrahitur et usetis et increpito uita donatur.*

¹⁹⁰ See *cap.* XXX.

¹⁹¹ On this point, the sources are not at all in agreement, see the survey of the material in J. Moreau, *Commentaire*, 375f.

¹⁹² Cf. *De mort.* XLIII,5: *Unde suspicio inciderat senem illum exitiabilem finxisse discordiam cum filio, ut ad alios succidendos uiam sibi faceret, quibus omnibus sublati sibi ac filio totius orbis imperium uindicaret. Eutrop.* X,3 contains a similar version: *Herculius tamen Maximianus post haec in concione exercituum filium Maxentium nudare conatus seditionem et convicia militum tulit. Inde ad Gallian profectus est dolo composito tanquam a filio esset expulsus, ut Constantino genero iungeretur, moliens tamen Constantinum reperta occasione interficere*

between Maximianus and his son in the spring of 308 was not just show. That is not to say, however, that they did not come to some subsequent understanding. Maxentius' political position had after the Carnuntum conference – in real, if not in formal terms – been weakened because it had labelled him *hostis rei publicae*. Moreover, as we shall see, he had lost North Africa, Rome's most important supplier of corn, in 309. He was simply forced to find allies if he was to survive in the long run. In this situation it would be natural for him to turn to his father who had also suffered political defeat at the Carnuntum conference. Maximianus continued to be a great political asset as the progenitor of the Herculean family and because he had shown himself to be a skilful emperor. An alliance would allow Maxentius to consolidate his political position and Maximianus to exercise Imperial power again.

The assumption that rapprochement maybe even collaboration existed between father and son explains why Constantine acted as harshly as he did as soon as he learnt of Maxentius' Imperial appointment – if the latter succeeded in consolidating his position, it could mean political death for Constantine. On this basis, we would also tend to accept the report from one source that Maximianus fled to Marseille in order to sail from there to his son Maxentius.¹⁹³ If an alliance had existed between father and son, it is understandable that according to the same source Constantine seized the harbour before turning his attention on the city itself. This prevented Maximianus from getting support by sea from Maxentius and it cut off any chance of escaping by sea.¹⁹⁴ An alliance would also explain why Maxentius extols his father as *divus Maximianus* immediately after his death and how Maxentius could incite his soldiers to fight against Constantine in 312 by insisting that they fought a war against his father's murderer.¹⁹⁵

¹⁹³ Cf. *Eutrop.* X,3: *Detectis igitur insidiis per Faustam filiam quae dolum viro nuntiaverat, profugit Herculus, Massiliaeque oppressus (ex ea etenim navigare ad filium praeparabat) poenas dedit iustissimo exitu*

¹⁹⁴ In *De mort.* XXIX,7 Lactantius reports that during the attack on Marseille Constantine asked Maximianus, who stood on the fortified city wall, in mild and kind terms what his wishes and complaints were, but the latter only reacted by hurling *maledicta* at him. The event is self is so grotesque in this form that it can be assigned no validity – it merely serves to extol Constantine and his goodness and patience with ungrateful and insolent Maximianus. However, the account may in reality refer to negotiations between Constantine and Maximianus, as presumed by J.Moreau in *Commentaire*, 372. This would have been even more reasonable if Maximianus had an alliance with his son Maxentius – then he would have had a real bargaining position.

¹⁹⁵ Cf. *De mort.* XLIII,4: *iam enim bellum Constantino indixerat quasi necem patris sui vindicaturus.*

As we have seen, both the panegyrist of 310 and Lactantius are eager to emphasize the point that Constantine could in no way be blamed for Maximianus' death. On the contrary, they claim that he did everything he could for the retired emperor. Maximianus' rebellion, then, was fuelled only by his ingratitude and scheming nature.¹⁹⁶ This almost demonstrative defence shows not only that Constantine had been made responsible for Maximianus' death but also that such an accusation must have been extremely burdensome for him. By attacking the progenitor of the Imperial Herculean family who was still regarded by many as the legitimate *senior augustus* next to Diocletian, Constantine had exposed himself in a manner that his enemies must have known how to use immediately to their won advantage. Maxentius could use the situation to show that by attacking Maximianus Constantine had rebelled against the man that had granted him *imperium* and made him *augustus* – in fact, he had revolted against his divine progenitor. The supporters of the tetrarchy led by Galerius could see Constantine's presumed murder of his father in law as fresh evidence that he was an unprincipled political adventurer who thought only of seizing political power. Even if we cannot completely understand the significance and the consequences of the accusations against Constantine for having occasioned Maximianus' death, they were certainly both compromising and dangerous to Constantine's political position. Therefore it was great importance to Constantine to show that he was innocent in this matter – Maximianus was responsible for his own death no matter how it was viewed.

But quite apart from this, Maximianus' death created a completely new situation for Constantine. Presumably he had condemned Maximianus to *damnatio memoriae* as a usurper¹⁹⁷ and as a result all his acts of govern-

¹⁹⁶ Cf. *Paneg.* VII (310),15,1: *Quid, oro, sibi uoluit? Quid optauit? ut quid amplius adipisceretur his quae a te fuerat consecutus?* and *De mort.* XXIX, 7: *rogat* [Constantinus] *quid sibi uoluisset, quid ei defuisset, cur faceret quod ipsum praecipue non dece-ret.* Lactantius is particularly keen to emphasize Maximianus' wicked and scheming nature. *De mort.* XXIX,3 says: *redit in Galliam plenus malae cogitationis ac sceleris.* Constantine, on the other hand, appears as respectful and deferential without any suspicion whatsoever of Maximianus' devious plans: *Credit adulescens ut perito ac seni, paret ut socero* (*cap.* XXIX,5). Even after Maximianus has been found out, Constantine shows generosity to the extent that he jeopardizes his own life. The account in *cap.* XXX of Maximianus' attempt to murder Constantine serves to show this. It is so clumsy and naïve in its plotting that it must be fictitious. It is designed to clear Fausta of all suspicion of involvement in her father's murderous plans and to show that only when Constantine was in imminent danger of losing his life, did he order Maximianus to take his own life.

¹⁹⁷ For the question of Maximianus' *damnatio memoriae*, see J. Moreau, *Commentaire*, 423.

ment were declared invalid. This also included his conferring of *imperium* on Constantine in his capacity of progenitor of the Herculean family. Consequently, Constantine could no longer lay claim to the status of *augustus*. He immediately realised the constitutional consequences of Maximianus' death, so he instantly produced another legitimizing basis for his position as ruler.

Maximianus probably died in the spring of 310.¹⁹⁸ Shortly afterwards – more precisely just after Constantine had celebrated his *dies imperii* on 25 July¹⁹⁹ – a *panegyricus* was given in his honour to mark the anniversary of the founding of the city of Trier.²⁰⁰ It proclaimed Constantine as the descendant of *Claudius Gothicus* – a status known only to his closest friends up to this point.²⁰¹ Therefore Constantine was born to become emperor – no one could in any way add or detract from his claim on the Imperial title.²⁰² The text has a scantily veiled polemical sting when it states that Constantine's Imperial power does not rest upon men's random decisions or sudden coincidences.²⁰³ Nor must his position as emperor be seen as a reward for the merits earned by moving up the ranks.²⁰⁴

Even though Constantine had been born to become emperor, his position had been strengthened because the great Constantius had chosen him as his

¹⁹⁸ Maximianus' death occurred in the year 310 because *Paneg.* VII (310) clearly states that by then Maximianus' revolt and death were recent occurrences.

¹⁹⁹ Cf. *Paneg.* VII (310),2,3: *Quamuis igitur ille felicissimus dies proxima religione celebratus imperii tui natalis habeatur*

²⁰⁰ Cf. *cap.* 1,1 and 22,4. We do not know the date of the *dies natalis* of Trier. We know nothing further of the rhetor that gave his *panegyricus* on that occasion.

²⁰¹ Cf. *cap.* 2,1: *A primo igitur incipiam originis tuae numine, quod plerique adhuc fortasse nesciunt, sed qui te amant plurimum sciunt. Ab illo enim diuo Claudio manat in te auita cognatio qui Romani imperii solutam et perditam disciplinam primus reformauit*

²⁰² Cf. *cap.* 2,3: *ab illo generis auctore in te imperii fortuna descendit*, and 2, 5: *Inter omnes, inquam, participes maiestatis tuae, hoc habes, Constantine, praecipuum quod, imperator ortus es tantaque est nobilitas originis tuae, ut nihil tibi addiderit honoris imperium nec possit fortuna numini tuo imputare quod tuum est, omisso ambitu et suffragatione.*

²⁰³ Cf. *cap.* 3,1: *Non fortuita hominum consensio, non repentinus aliquis fauoris uentus te principem fecit: imperium nascendo meruisti.*

²⁰⁴ Cf. *cap.* 3,3-4: *Quamuis enim magna sit et admiranda felicitas quae stipendiis in ordinem meritis et militiae gradibus emensis ad fastigium istud maiestatis ascendit et solis uirtutis nixa radicibus ad tantum potentiae robur inualuit... magnum, inquam, est ab se profectum ad maxima peruenire; longe tamen aliud est niti per ardua et iuga montium petere e plano, aliud ipsa ortus sui sublimitate fultum uerticem tenere fortunae et quae summa sunt non sperare, sed habere.*

successor.²⁰⁵ This was all the more natural because he was his eldest child²⁰⁶ and because he was very alike him in all respects.²⁰⁷ Constantius' choice of Constantine as his successor, however, was no pure and simple human decision. It coincided completely with the decision made by the gods, headed by Jupiter.²⁰⁸ Therefore, it could be no surprise that after the death of Constantius the entire army had appointed the son emperor and dressed him in purple.²⁰⁹

Constantine's government was of a quality – the panegyrist claims – that on its own would have made him worthy of being emperor.²¹⁰ His wars against the barbarians and the ruthless severity with which he had treated them had recreated respect for *imperium Romanum*.²¹¹ Through his victories he had secured the Roman *limes* on the Rhine.²¹² Constantine's work *pro utilitate ac dignitate publica*²¹³ was, to the panegyrist, very clear evidence that he was called by the gods to *salus rei publicae*.²¹⁴ He emphasized this point further by reporting on a visit that Constantine had paid to a temple of Apollo after the defeat of Maximianus.²¹⁵ He is said to have seen Apollo who had been escorted by Victoria and had brought him laurels

²⁰⁵ The panegyrist connects the thought that Constantine was born for the Imperial throne with the idea that Constantius designated him his successor as emperor in 306. As a result his account is not logically coherent.

²⁰⁶ Cf. *cap.* 4,1-2: *Sacrum istud palatium non candidatus imperii, sed designatus intrasti confestimque te illi paterni lares successorem uidere legitimum. Neque enim erat dubium quin ei competeret hereditas quem primum imperatori filium fata tribuissent.*

²⁰⁷ Cf. *cap.* 4,3: *Inde est quod tanta ex illo in te formae similitudo transiuit ut signante natura uultibus tuis impressa uideatur*, and 5: *dolet quod Constantius excessit a nobis, sed, dum te cernimus, illum excessisse non credimus.* By emphasizing Constantine as the eldest and alike his father in all respect, the panegyrist probably wish to explain why Constantine rather than the natural sons were to succeed their father to the throne.

²⁰⁸ Cf. *cap.* 7,3-4. Cf also *cap.* 8,5: *Quis enim te Cyllarus aut Arion posset eripere quem sequebatur imperium? illa, inquam, illa maiestas quae Jouis sublata nutu nec Iridi deum nuntiae, sed pinnis commissa Victoria*

²⁰⁹ See *cap.* 8,2-3.

²¹⁰ Cf. *cap.* 10,1: *Imperatoris igitur filius et tanti imperatoris et ipse tam feliciter adeptus imperium quomodo rem publicam uindicare coepisti?*

²¹¹ See *cap.* 10,4-5.

²¹² Cf. *cap.* 11,1-2: *Inde igitur est, imperator, pax ista qua fruimur. Neque enim iam Rheni gurgitibus, sed nominis tui terrore munimur Ille est inexpugnabilis murus quem extruit fama uirtutis.*

²¹³ *Cap.* 14,1.

²¹⁴ *Cap.* 7,5.

²¹⁵ See *cap.* 21,2-3.

each heralding 30 years.²¹⁶ Apollo had promised him a reign of unusual length. Moreover, Constantine had seen himself in the shape of Apollo who possessed world dominion, and that could only mean that Constantine was his manifestation and representative on earth.²¹⁷

The panegyrist wished to proclaim that Apollo was Constantine's special tutelary deity and that he had appointed him to exercise world dominion on his behalf. No more can be read from this account.²¹⁸ At the same time, though, Constantine had coins struck with pictures and legends stating that *Sol Invictus* was *comes Augusti*.²¹⁹ This was a proclamation that the invincible sun had chosen Constantine as his tool to exercise supremacy over the earth. The parallels between the panegyrist's Apollonian vision and the coins are so strong that we can say that Apollo means no other than the sun god. The panegyrist made no mention of Hercules or Mars, till then the two most popular and prominent gods on Constantine's coins, and that is no coincidence. That is clear from the coins issued after 310 on which Mars was much less prominent than *Sol Invictus*. In other words, Constantine distanced himself from the Herculean family's tutelary gods and chose the sun god in the shape of Apollo as his new tutelary deity.

The panegyrist proclaimed that Constantine had been born to become emperor because of his relations with the Imperial Claudian dynasty because it had replaced the Herculean dynasty which had till then formed the legitimate basis for his Imperial power. It is surprising, though, that the panegyrist did not just state that fact. It is as if he is intent on showing that no matter which legal conditions are proposed for achieving Imperial power, Constantine could meet them. He could, of course, meet the demand that only one member of an Imperial dynasty could occupy the throne. If personal qualities and merits were required to become emperor, Constantine also possessed those.²²⁰ If the claim was made that only the army could

²¹⁶ Cf. cap. 21,4: *Vidiste enim, credo, Constantine, Apollinem tuum comitante Victoria coronas tibi laureas offerentem, quae tricenum singulae ferunt omen annorum. Hic est humanarum numerus aetatum, quae tibi utique debentur ultra Pyliam senectutem.*

²¹⁷ Cf. cap. 21,5-6: *Et immo quid dico 'credo'? Vidiste teque in illius specie recognuisti, cui totius mundi regna deberi uatum carmina diuina cecinerunt. Quod ego nunc demum arbitror contigisse, cum tu sis, ut ille iuuenis et laetus et salutifer et pulcherrimus, imperator.*

²¹⁸ The account provides no evidence of a sudden conversion to Apollo the sun god, see *Christus oder Jupiter*, 154 f.

²¹⁹ Cf. *Roman Imperial Coinage* VI, 42 f.

²²⁰ Cf. cap. 3,3: *quod quidem etiam tu, quantum per aetatem licuit, consecutus es et, quamuis te super omnes acquirendae gloriae moras fortuna posuisset, crescere militan-*

appoint an emperor, Constantine could provide documentation. If divine calling was sought, Constantine could also point to a divine mission. And finally, if an emperor was required to show his worth solely by working to further the interests and well being of the Empire, the results that Constantine had already achieved provided substantiation.

Constantine's position as emperor was unassailable from any and all angles. No one could question his right to Imperial power. However, the suggestions that Apollo the sun god had called him to exercise world dominion must not be taken to mean that Constantine had a declared aim to become sole ruler of the Empire. They must be understood to say that in principle Constantine had both divine and human sanction to exercise Imperial power on his own. But if his right to the title of emperor was acknowledged, he was prepared to cooperate with the other rulers of the Empire – in other words the tetrarchy led by Galerius.

On this basis it is understandable why we encounter no threat against the emperors of the tetrarchy. On the contrary, the panegyrist made it particularly clear that his strong promotion of Constantine contained no veiled defiance of the other rulers.²²¹ They also had a share in *imperium*. He stated that Diocletian could enjoy his *otium* in safety given the rulers he had appointed to exercise *imperium* after him.²²² It was also important to the panegyrist to state that the army had chosen Constantine with the approval of *seniores principes* and that he had shown them the greatest modesty and respect. Similarly, the defeat of Maximianus must not be understood to show that Constantine wished to slay all his rivals so that he could pursue his own lines of action – it was against his will that Maximianus was punished, however, justly, for his heinous crimes. In this way, Constantine proclaimed his wish to resume connections with the tetrarchy most probably because Maximianus' death had deprived him of the support generated by his connection to the progenitor of the Herculean family and

do uoluisti et adeundis belli periculis ac manu cum hostibus etiam singulari certamine conserenda notioem te gentibus reddidisti, cum non posses esse nobilior.

²²¹ Cf. cap. 1,4-5: *Itaque primum illud compendium faciam, quod, cum omnes uos, inuictissimi principes, quorum concors est et socia maiestas, debita ueneratione suscipiam, hunc tamen quantulumcumque tuo modo, Constantine, numini dicabo sermonem. Ut enim ipsos immortales deos, quanquam uniuersos animo colamus, interdum tamen in suo quemque templo ac sede ueneramur, ita mihi fas esse duco omnium principum pietate meminisse, laudibus celebrare praesentem.*

²²² Cf. cap. 15,4-5: *At enim diuinum illum uirum qui primus imperium et participauit et posuit consilii et facti sui non paenitet nec amisisse se putat quod sponte transcripsit felix beatusque uere quem uestra tantorum colunt obsequia priuatum. Sed et ille multijugo fultus imperio et uestro laetus tegitur umbraculo*

because he found himself in open conflict with Maximianus' son Maxentius who was now sole representative of the Imperial Herculean family. In this situation Constantine used the panegyrist as his spokesman to declare that he was willing to cooperate with the tetrarchy on the assumption that its rulers recognized his legitimate right to the title of *augustus*.

As noted above, Licinius had been appointed *augustus* of the West and had as his primary task the suppression of Maxentius as a prelude to his taking over Italy, Spain and North Africa as his legitimate area of rule. As his base, he had been given the provinces bordering on North Italy.²²³ We learn nothing of Licinius after the Carnuntum conference except that he loyally followed Galerius as *maximus augustus*.²²⁴ Although Maxentius' possessions had experienced internal unrest and rebellion, Licinius had not been able to use the situation to start a war against him. The reason, most likely, was that he had not completed the establishment of his army. But it was probably also because Constantine had become his competitor in the fight over Maxentius' territories. After the Carnuntum conference, Constantine still saw himself as the legitimate *augustus* of the West, so he did not accept Licinius' claim on the West but felt free to take the provinces controlled by Maxentius.

Unrest had broken out in North Africa and it resulted in the troops electing *vicarius praefecti praetorio* Lecius Domitius Alexander as emperor.²²⁵ The unrest may have erupted after Maxentius had been declared *hostis rei publicae* after the Carnuntum conference.²²⁶ At any rate it began in late 308 or early 309.²²⁷ In a note Zosimos seems to suggest that the rebels had sought help from Maximinus in Alexandria, but his informations

²²³ ILS, No. 664 shows that Licinius managed Pannonia. Retia also belonged to his area of authority. It formed part of Italy, in fact, but as mentioned above it had remained in Galerius' possession.

²²⁴ Licinius followed Galerius' appointment as consul for the years 309 and 310 and gave him his complete support as shown by the coins issued.

²²⁵ The most comprehensive source is contained in *Zos. II,12*. A short note in *Epit. de caes. 40,7* has no validity, whereas *Aurel. Vict. Lib. de caes. 40,7* provides some biographical information on Alexander. The sources do not allow us, however, to construct a clear picture of the North African rebellion and its effects. Groag offers a good survey of the material in *RE XIV col. 2440ff*. A short but clear discussion involving the most recent studies appears in F. Paschoud, *Zosime. Histoire nouvelle I*, (1971), 199ff.

²²⁶ This seems to be the most reasonable deduction from *Zos. II,12,1*. From this it also appears that Maxentius' open break with his father in April 308 should have been a contributing factor to the North African unrest – Maximianus was extremely popular in North Africa. We do not know of any other factors may have provoked the rebellion.

²²⁷ Inscriptions on North African mile stones substantiate this, see Groag *RE XIV col. 2441*.

are so confusing that they must be rejected as quite worthless.²²⁸ There is evidence, though, pointing to an alliance between Alexander and Constantine. Such an arrangement would be beneficial to both. Alexander might well have conquered *Africa proconsularis* and Numidia, even Sardinia,²²⁹ but he did not have the strength to withstand an attack from Maxentius, let alone depose him.²³⁰ He needed help and could find it from Constantine. He on his part was interested in supporting any initiative that would weaken Maxentius' rule, and he also needed allies if he was to have any chance of winning over Licinius by taking possession of Maxentius' territories.²³¹ The alliance could not be openly declared, though, because it would create open opposition to Galerius and Licinius – Constantine meddled in matters that belonged *de jure* under Licinius. On the other hand, the alliance must have deterred Maxentius for the time being from any attempt to defeat Alexander and repossess North Africa. Maxentius had not felt strong enough for that task.

Such an alliance is the only condition that can explain the astonishing fact that Maxentius did nothing to suppress the insurrection²³² – despite the

²²⁸ Cf. *Zos.* II,12,1: ἐπειδὴ Μαξέντιον ἐπιστρατεύσειν αὐτοῖς ἔγνωσαν (οἱ αὐτόθι στρατιῶται) ταύτης ἕνεκα τῆς ἀντιστάσεως, εἰς τὴν Ἀλεξάνδρειαν ἀνεχώρησαν. ἱκαναῖς δὲ δυνάμεσι περιπεσόντες, αἷς ἀντίσχιεν οὐχ οἷοί τε ἦσαν, ἐπὶ τὴν Καρχηδόνα πάλιν ἐπέπλευσαν. The point must be that the soldiers wished to seek refuge in Alexandria, but when Maxentius' fleet blocked their access they returned to Carthage.

²²⁹ Sardinia had belonged to Maximianus Herculius' area of authority and upon his abdication in 305 it was transferred to Severus. We have no precise date, but the island did recognize Maxentius after his takeover. When Lucius Domitius Alexander had seized power in North Africa, the Sardinian *praeses* decided to support him. That is clear from a Sardinian mile stone, cf. G. Sotqici, *Un militario sardo di L. Domitius Alexander e l'ampiezza della sua rivolta* (*Archivio Storico Siciliano* XXIX (1946), 151-58). We cannot be certain of the date of this but it must presumably have happened as soon as Domitius had consolidated his position in Africa – most likely in the late summer of 308. The loss of Sardinia was a serious blow to Maxentius because next to Africa the island was Rome's greatest supplier of corn. In the spring of 311 when he had defeated Domitius, Sardinia again subjected herself to his authority, cf. Piero Meloni, *La Sardegna romana* (*Storia della Sardegna antica e moderna* 3 (1975), 167-68.)

²³⁰ Cf. *Aurel. Vict. Lib. de caes.* 40,17: ... *armorum vix medium haberetur*. Alexander wanted *restitutio publicae libertatis*: to topple Maxentius and free *Roma aeterna* of the rule of the tyrant, cf. Groag in *RE* XIV col. 2442.

²³¹ As a condition for such an alliance Constantine has probably demanded to be recognized as *augustus* and thus as Alexander's superior. Evidence of such an alliance can be found in an inscription on a mile stone: *Imp. dd. nn. L. Domitio Alexandro et Fl. Constantino Augg.* (ILS, No. 8936).

²³² In reality, only Zosimus among both old and modern writers raises the question why Maxentius did not sail immediately to North Africa to stop the rebellion. He offers

fact that hunger broke out in Rome because North Africa had stopped all exports of corn to the great city. We should add that Constantine's alliance with the North African usurper can only have intensified the conflict between himself and Maxentius and increased Licinius' suspicions of him. Maxentius most likely countered this move, as we suggested above, by seeking contact with his father. We know of no reaction from Licinius.

Maxentius suffered a further loss when Spain transferred to Constantine. That probably happened in the course of the year 310.²³³ We do not know the reason for this secession.²³⁴ It may have been caused by Maxentius' more severe approach to Spain designed to provide necessary food and money to replace the missing deliveries from North Africa. Another contributing factor in the secession may have been dominant social groups that now saw an advantage in associating themselves with Constantine who unlike Maxentius appeared as the strongest ruler in the West.²³⁵ In any case,

the explanation that Maxentius had decided to mount a punitive expedition to Africa, but the auguries from the sacrificial animals had been so unfavourable that he had abandoned the plan, see. *Zos.* II,12,2.

²³³ We have very poor information about Spain during these years, so we can say nothing definite about the time of the secession of Spain. Some scholars believe that coins show the spring of 310 as the time when Spain joined Constantine, see e.g. Groag in *RE XIV col.* 2442 but this belief has proved untenable – the coins referred to did not come from *Tarraco*, as was supposed, but from *Ticinum*, cf. Luigi Cremaschi, *La Zecca di Ticinum (Annali Scientifici di Liguori (1966), 266 ff.)* which contains the latest discussion of this question. This does not prove, though, that Spain only came under Constantine's control after the fall of Maxentius in October 312. From a panegyrist in 313 we may conclude that Spain did not belong under Maxentius at the time when Constantine invaded Italy. He describes how Maxentius had plundered Africa and *omnes insulae*, i.e. Sicily and Sardinia to provide food in Rome, see *Paneg.* IX (313),16,1. It is no coincidence that Spain was not mentioned also becomes clear from *cap.* 25, 3 and *Paneg.* X (321), 32, 5-6 which only report on Constantine's liberation of Italy and Africa. Thus Spain was in Constantine's possession at the latest in the spring of 312. The date of this change remains pure guesswork, but it would be natural to assume that it occurred at the time when Constantine enjoyed a position of strength due to his alliance with Domitius Alexander, which would point to the year 310.

²³⁴ Groag assumes, with E. Stein, that possibly Constantine "einen Plünderungszug fränkischer Seeräuber nach Spanien (*Paneg.* IV, 17, 1) dazu ausgenützt [hat], um aus dem Beschützer der Provinzen gleich ihr Gebieter zu werden" (*RE XIV col.* 2446) The *Panegyricus* passage cannot be used as a basis for such an assumption because it is an incidental comment that refers to the fights against the Franks during Constantine's first year of government.

²³⁵ Most likely, the alliance between Constantine and Domitius Alexander had already weakened Maxentius' political position to the extent that Spain found it opportune to break with him, but there is no basis to agree with Groag that "In diese Zeit könnte die Annäherung zwischen Domitius Alexander und Konstantin gehören" (*RE*

the inclusion of Spain in his area of authority meant a strengthening of his position. He now ruled all the territories that had belonged to his father Constantius when he was *augustus* of the West.

The loss of Spain only added to Maxentius' difficulties. He now only controlled Italy and did not have adequate resources to maintain and safeguard his political position. Italy could in no way satisfy Rome's need of food. The shortage which had resulted from the loss of North Africa reached catastrophic proportions when Spain no longer sent supplies.²³⁶ If Maxentius was to survive politically, there was no alternative to the recapture of North Africa. In the spring of 311 he sent a small expeditionary force to North Africa under skilful military leadership. It soon defeated Domitius Alexander's troops, caught the usurper and had him executed.²³⁷ The speedy recapture of North Africa along with Sardinia produced a significant improvement to Maxentius' position. The food crisis was resolved,²³⁸ and he had greater financial means as well as more troops at his disposal.

Maxentius was still a ruler to be reckoned with in the political power game of the West. He also spread propaganda that proclaimed him a legitimate emperor. Soon after his father's death he had had him apotheosized and honoured him as *divus Maximianus* on memorials and coins.²³⁹ Moreover, Maxentius had himself officially referred to as *filius divi Maximiani*²⁴⁰ which meant that he appeared as the man that continued the Herculean dynasty started by Maximianus. This was clearly a polemical

XIV col. 2446). He adds, "es lag im Interesse des Flaviers, den Beherrscher Roms durch Aushungerung Roms und Italiens in ärgste Bedrängnis zu versetzen und im Volke der Hauptstadt Erbitterung gegen seinen Kaiser zu entfachen" but that had been Constantine's active policy ever since the beginning of the North African revolt.

²³⁶ This is the point of *Paneg.* IX (313),4,4: *plebis Romanae fame necatae piacula* and Eusebius' comment in *h.e.* VIII,14,6: ὡς ἤδη καὶ τῶν ἀναγκαίων τροφῶν ἐν ἐσχάτῃ σπάνει καὶ ἀπορία καταστῆναι, ὅσῃν ἐπὶ Ῥώμῃς οὐδ' ἄλλοτε οἱ καθ' ἡμᾶς γενέσθαι μνημονεύουσιν.

²³⁷ For discussions of the recapture of North Africa, see Groag in *RE* XIV col. 2447ff. and F. Paschoud in *Zosime* I, 202ff.

²³⁸ Cf. *Paneg.* IX (313),16,1: *Quippe omni Africa quam delere statuerat exhausta, omnibus insulis exinanitis, infiniti temporis annonam congesserat.* Strictly speaking, the passage refers only to Maxentius' food supplies to Rome as preparation for the war with Licinius, but it does presuppose that the food shortage in Rome could be relieved through supplies from Africa, Sicily and Sardinia.

²³⁹ For memorials, see ILS No. 647. On coins, Maxentius was described either as *Divus Maximianus Senior Augustus* or as *Pater*, cf. J. Maurice, *Numismatique Constantienne* I, 267 f. and *Roman Imperial Coinage* VI, 346, 381 and 403.

²⁴⁰ We find this epithet in an extant inscription, see ILS, No. 671.

stab against Constantine – by spurning the Herculean progenitor, he had forfeited his right to the Imperial throne. By issuing coins identifying him as a relation of *divus Constantius*,²⁴¹ Maxentius wanted to proclaim himself as the third generation of the Imperial Herculean family because he succeeded Constantius as *augustus* of the West, just as he had succeeded Maximianus. Maxentius' legitimate right to be *augustus* had thus been established as indisputable.

The setbacks that Maxentius had experienced when the Carnuntum conference had cut him and he had lost North Africa and Spain, must have made it clear to him, finally, that he did not have the political power to back his claim as *augustus Romae aeternae* to become absolute ruler of the Roman Empire. He wished to establish contact with Galerius for the obvious purpose of recognizing him as the supreme emperor of the tetrarchy in return for having his own Imperial rights respected so that he could be admitted into the tetrarchan Imperial college. Only this can explain why Maxentius gave up appointing consuls, as he had done it since April 308, and for the year 311 chose *consules quos iusserunt domini nostri*.²⁴²

4. The collapse of the tetrarchy and Galerius' attempts at reconciliation

Since the Carnuntum conference the development in the West had meant a significant setback for the tetrarchy led by Galerius. Licinius had failed to defeat Maxentius and establish the tetrarchan government leadership in the West. Almost all western provinces were controlled by Constantine and Maxentius who both had their individual rights to the Imperial throne. They had indicated, recently, that they were prepared to cooperate with Galerius, but he could not take advantage of this and force through an arrangement that was beneficial to the future of the tetrarchy.

Just as it had become clear that Galerius had lost all control of the political development in the West, he had to suffer another defeat. Maximinus informed him that he had been proclaimed *augustus* at an army convention (*contio*).²⁴³ This probably happened in connection with his

²⁴¹ We find the phrase *Divus Constantius Cognatus* on coins, cf. J. Maurice, *Numismatique Constantienne* I, 91 f. and *Roman Imperial Coinage* VI, 346, 381 and 403.

²⁴² Cf. A. Degrassi, *I Fasti Consolari*, 78.

²⁴³ Cf. *De mort.* XXXII,5: *Maximinus postmodum scribit quasi nuntians in campo Martio proxime celebrato Augustum se ab exercitu nuncupatum*. Eusebius also mentions this event after he has explained that Maximinus was envious of Licinius who ὑπὸ

quinquennalia which was celebrated on 1 May 310, the anniversary of his *dies imperii*.²⁴⁴

Lactantius' account sees this *augustus* appointment as a new result of the *contumacia* that Maximinus began to show towards Galerius when he refused to accept Licinius' appointment to *augustus*. This is true in the sense that the army most likely could have appointed him *augustus* only with the knowledge and acceptance of Maximinus.

Given that Maximinus had accepted the title of *filius augustorum* with its far reaching implication, the question arises why Maximinus took this step, which could only be considered self-help. Our sources offer no answer. The political development in itself, though, should provide some of the explanation for Maximinus' behaviour. Both Constantine and Maxentius had laid claim to the title of *augustus*, but they had also sought an understanding with Galerius. If new political negotiations were to be opened – and that did not seem unrealistic in view of the collapse of the fourth tetrarchy – Maximinus did not wish to be placed less advantageously than the other rulers of the Empire. As soon as the army had appointed him *augustus*, his right to the throne had been legally secured. Maximinus told Galerius of the army's choice in order to have it recognized and confirmed by him as *maximus augustus*. Galerius reacted with grief and pain to Maximinus' announcement according to Lactantius, but he still gave the order that all four members of the Imperial college now were to be designated *augusti*.²⁴⁵

Lactantius' information is correct in the sense that both Maximinus and Constantine ranked as *augusti* from that point on. However, his laconic statement that Galerius carried out his request immediately as if it was a mere matter of protocol cannot be readily accepted.

The matter of the title of *augustus* was intimately connected with the principle of seniority which is obvious from the fact that subsequently Maximinus preceded Constantine and Licinius respectively in the Imperial ranking. This implied that Maximinus had replaced Licinius as Galerius' successor as *maximus augustus*. Licinius was even relegated to third place after Constantine, so he had obviously paid the price for Galerius' new appointment of *augusti*. It is hard to imagine, though, that Galerius had

κοινῆς ψήφου τῶν κρατοῦντων had been proclaimed *imperator* and *augustus*: ὃς δὴ οὖν τὰ μάλιστα τυραννικὸς ὢν, παραρπάσας ἑαυτῷ τὴν ἀξίαν, Σεβαστὸς ἦν, αὐτὸς ὑφ' ἑαυτοῦ γεγονῶς (*h.e.* VIII,13,15). A comparison to Lactantius' note alone makes it clear that Eusebius' information is quite worthless.

²⁴⁴ For the date, see *Roman Imperial Coinage* VI, 15f.

²⁴⁵ Cf. *De mort.* XXXII,5: *Recepit ille maestus ac dolens et uniuersos quattuor imperatores iubet nominari.*

made such a far-reaching decision without prior consultation with Licinius – in that case he risked encountering opposition from him as well. In any case, much points to Galerius' appointment of Maximinus and Constantine as *augusti* as the result of a series of successful negotiations with all the members of the Imperial college.

In addition to himself, Galerius had appointed Maximinus as consul for the year 311.²⁴⁶ This was an obvious declaration that he had accepted Maximinus as the man who deserved a prominent position in the leadership of the Imperial government – and this was further emphasized by Galerius' prior decision to abdicate in 312 after his *vicennalia*.²⁴⁷ Both Licinius and Constantine, quite remarkably, now followed Galerius' consular appointment. It meant that they had accepted Maximinus' second place as *augustus* below Galerius which meant that he would succeed him as supreme emperor. Against that background it is no surprise that immediately after Galerius' death in 311 they also recognized Maximinus as *maximus augustus*. As we shall see, Galerius' possessions were divided after his death between Licinius and Maximinus in such a peaceful fashion that there must have been a clear prior agreement on the matter. The same indication comes from the fact that no steps were taken to appoint a new member of the Imperial college to replace Galerius – it had apparently been decided that the college would consist of only three emperors. It is also remarkable that Maximinus, Constantine and Licinius all declared Galerius *divus* immediately after his death and honoured him as a deified emperor in inscriptions and on coins. All emperors were keen to pay tribute to him as *noster pater* whose work must be continued. Considering that opposition that Maximinus and, in particular, Constantine had mounted against the fourth tetrarchy, this new situation can only be explained by assuming that Galerius had succeeded in settling the disagreements among the emperors and creating an arrangement for the future government that the other emperors had accepted.

We must believe, then, that Maximinus' de facto demand to be recognized as *augustus* made it definitively clear to Galerius that the fourth tetrarchy had collapsed – so there was every reason for him to be *maestus et dolens*, in Lactantius' words. This created a dangerous political situation which could provoke new civil wars. In order to avoid this threat and secure the future of the Roman Empire after his abdication, Galerius must have opened negotiations with the members of the Imperial college. We know nothing of these except that they ended in an arrangement accepted

²⁴⁶ Cf. A.Degrassi, *I Fasti Consolari*, 78.

²⁴⁷ Cf. *De mort.* XX,4.

by all parties concerned. Moreover, they must have been concluded in the course of the year 310 in time for the other emperors to accept Galerius' new consular appointment for the year 311.

The main points of the new settlement, as we have already suggested, included recognition of Maximinus as *augustus* and thus as designated successor to Galerius as *maximus augustus*. Constantine also achieved recognition as *augustus* and may have been given Spain as his legitimate possession. It seems as a first impression that Licinius had to pay the price for this new arrangement. This is not surprising, though, because his position in the negotiations was weak given that his actual rule was limited to Pannonia and Rhaetia. Insisting on second place in the Imperial ranking served no purpose as he did not have the power to back his demands in relation to Constantine and Maximinus respectively. He had no choice but to follow Galerius and recognize them as *augusti*. In return he was probably given the promise that he would take over Galerius' European possessions when he abdicated.²⁴⁸ When Maxentius' demand for Imperial rank was dismissed, Licinius had his right to Italy and North Africa established at the same time. Apparently, the tetrarchy was to continue formally until Galerius' *vicennalia* in 312. After that the government was to be headed by three *augusti*: Maximinus, Constantine and Licinius.

Galerius had abandoned the tetrarchy of two *augusti* and two *caesares* because of his clear realisation that it had failed. The triarchy, which was the real result of his attempts to create unity, looked as if it could work, though, because it was based on the rulers' actual political and military positions to a much greater extent than the fourth tetrarchy. But for the sake of the Roman Empire Galerius also felt that he must revise current policy on another point. He called off the persecution of the Christians and allowed them to worship their god as one of the deities that secured *salus* of the Roman Empire.

²⁴⁸ Maximinus was to receive Asia Minor which would make his future area of authority identical to that of Diocletian.

5. The Galerius Edict

In the spring of 310, Galerius developed genital cancer.²⁴⁹ Lactantius gives a detailed account, almost like a medical record, of the development of the illness.²⁵⁰ Doctors tried in vain to remove the cancer surgically. Not even the most eminent doctors that had been summoned from all corners could do anything. Prayers were offered to the gods, but they also proved impotent.²⁵¹ The cancer spread and after a year it had almost transformed Galerius into a stinking corpse. The pain was horrifying. Just as it seemed to be a matter only of time before death would put an end to his life, an edict was announced on the relationship of the Empire to the Christians.

The edict²⁵² was issued in April 311 in Serdica²⁵³ and carries the names of all four emperors.²⁵⁴ It is addressed to all provincial residents.²⁵⁵ It starts

²⁴⁹ Cf. *De mort.* XXXIII,1: *Iam decimus et octauus annus agebatur, cum percussit eum deus insanabili plaga.* This dating must refer to the year of government that began on 1 May 310. Later, Lactantius states that Galerius had had the cancer for a full year before he died, see *cap.* XXXIII,11 and XXXV,1 and 3, so it must have begun in the spring of 310. We must not expect full chronological precision from Lactantius.

²⁵⁰ See *cap.* XXXIII.

²⁵¹ Cf. *cap.* XXXIII,5: *Confugitur ad idola: Apollo et Asclepius orantur remedium flagitatur. Dat Apollo curam: malum multo peius augetur.* Lactantius can barely control his delight in recording the powerlessness of the gods, and not least of the famous god of medicine.

²⁵² Except for the introduction, the original Latin text of the edict has been preserved in *De mort.* XXXIV,1-5. In *h.e.* VIII,17,3-10 Eusebius gave a Greek translation of the entire edict. A good analysis of the relationship between the Latin text and Eusebius' Greek translation together with a valuable overall discussion of the contents of the edict can be found in Hermann Hülle, *Die Toleranzerlasse römischer Kaiser für das Christentum bis zum Jahre 313* (1895) and John R. Knipfing, *The Edict of Galerius (311 A.D.) Re-Considered in Revue Belge de Philologie et d'Histoire I* (1922), 693 ff.

²⁵³ The edict itself contains no information on the place of issue. Lactantius states that it was published in Nicomedia on 30 April 311 (*cap.* XXXV,1). From *cap.* XXXV,3-4 it also appears that Galerius was not in Nicomedia when he died a few days after the publication of the edict. It is natural to assume, therefore, that he was in Serdica, his customary headquarters.

²⁵⁴ As we said, only Eusebius has preserved the *praescriptum*. The manuscripts (A T E R) that refer to the revisions of the church history that Eusebius undertook just after Maxentius' death, only refer to the following emperors in this order: Galerius, Constantine and Licinius, cf. E. Schwartz, *Eusebius Werke II*, 2, 792. From Eusebius, though, it is clear that all emperors supported the edict, see *h.e.* VIII,16,1. Maximinus' name was excluded simply because he had been condemned to *damnatio memoriae* when he died. Constantine's preceding Licinius shows that the principle of seniority has been established. Therefore Maximinus, being the second oldest *augustus*, must appear in the *praescriptum* after Galerius but before Constantine, cf. O. Seeck in *Rheinisches*

by stating that it has always been Imperial policy to further the welfare of the Roman Empire by introducing reforms based on Roman traditions.²⁵⁶ This principle had also controlled the emperors' relationship with the Christians. The latter had been possessed by such stubbornness and folly that they had abandoned the laws and traditions of the fathers and established their own laws with obstinate gratuitousness, even brought together people from all cultural backgrounds and insisted that they follow those laws.²⁵⁷ Therefore the emperors were right in seeing it as their duty and task to make the Christians see sense and follow the ancestral traditions.²⁵⁸ The law issued for this purpose, however, had not had the desired effect. Out of fear of punishment, many people had given in to the demand of the law that they must follow Roman customs; otherwise they would have perished.²⁵⁹ Most Christians had adhered to their convictions, though. As a result, they did not offer due homage to the gods, nor did they worship the Christian god.²⁶⁰ As a result a group of atheists had been created in the

Museum XLVIII (1893), 199 and 203 ("Die imperatorischen Acclamationen im vierten Jahrhundert").

²⁵⁵ C.F. *h.e.* VIII,17,5 (A T E R): ἐπαρχιώταις ἰδίοις χαίρειν.

²⁵⁶ Cf. *De mort.* XXXIV, 1: *Inter cetera quæ pro rei publicæ semper commodis atque utilitate disponimus, nos quidem volueramus antehac juxta leges ueteres et publicam disciplinam Romanorum cuncta corrigere* The continuation shows that *leges veteres* and *publica disciplina* also refer to religious traditions.

²⁵⁷ Cf. *cap.* XXXIV,2: *... siquidem quadam ratione tanta eosdem christianos uoluntas inuasisset et tanta stultitia occupasset, ut non illa ueterum instituta sequerentur, quæ forsitan primum parentes eorundem constituerant, sed pro arbitrio suo atque ut isdem erat libitum, ita sibimet leges facerent quas obseruarent, ut per diuersa uarios populos congregarent.* Christianity had thus lost the right to recognition on a par with other foreign cultures because it was no national religion as e.g. Judaism.

²⁵⁸ Cf. *cap.* XXXIV,1: *... atque id prouidere, ut etiam christiani, qui parentum suorum reliquerant sectam, ad bonas mentes redirent.*

²⁵⁹ Cf. *cap.* XXXIV,3: *Denique cum eiusmodi nostra iussio extitisset, ut ad ueterum se instituta conferrent, multi periculo subiugati, multi etiam deturbati sunt.* The phrase *nostra iussio* has always been understood to refer to Diocletian's anti-Christian laws of 303-4. However, it must refer to a specific law or decree – Eusebius' Greek translation reads, accordingly, πρόγραμμα. Most likely, it refers to Galerius' edict of 306 which demanded that everybody must sacrifice to the gods. It is true, though, that this merely repeats the general demand for sacrifice which represented the culmination of Diocletian's legislation against the church. The words *multi periculo subiugati, multi etiam deturbati* have proved very difficult to interpret, see. J. Moreau, *Commentaire*, 392 f. This is hardly coincidence; phrasing has been designed to obscure the violent and bloody nature of the persecutions of the Christians.

²⁶⁰ Cf. *cap.* XXXIV,4: *Atque cum plurimi in proposito perseuerarent ac uideremus nec diis eosdem cultum ac religionem debitam exhibere nec christianorum deum obser-*

sense that they worshipped no god. Therefore the emperors decided to offer amnesty to the Christians and even grant them the right to exist and permission to form congregations and to build churches²⁶¹ – on condition that their practices did not challenge the order of the Roman Empire.²⁶² In return for this Imperial generosity, the Christians were obliged to pray that the emperors and the Roman Empire would experience happiness and prosperity.²⁶³

At first sight, the edict appears truly remarkable. It states quite unequivocally that Christianity was rebellious and hostile to the traditions of Rome, so the emperors had a duty for the good of the state to eradicate it. But the majority of the Christians refused to obey the Imperial order to sacrifice to the gods of the Roman Empire, and in return for this wilful stupidity and obstinacy the emperors felt themselves forced to grant them complete freedom of worship and assembly. Nevertheless the edict makes

uare....The Christians could not worship their god because confiscation of church buildings, sacred scriptures and liturgical tools prevented them from holding services.

²⁶¹ Cf. *cap. XXXIV,4: ... contemplatione mitissimæ nostræ clementiæ intuentes et consuetudinen sempiternam, qua solemus cunctis hominibus ueniam indulgere, promptissimam in his quoque indulgentiam nostram credidimus porrigendam, ut denuo sint christiani et conuenticula sua componant* The clause beginning *ut* contains the crucial point for the Christians: they are given the legal right to exist. The emperors felt that it restored to the Christians the legal position from before the start of the Diocletian persecutions in 303 – *denuo* implies this. In reality, this is the first clear statement that Christianity is a *religio licita*. The phrase *conuenticulum componere* means organizing congregations as well as building churches and from the context it must follow that Christians have the right to organize and conduct their worship and all aspects of their religious life according to their own *institute*. The Christians had been given complete religious freedom.

²⁶² Cf. *cap. XXXIV,4: ita ut ne quid contra disciplinam agant*. This sentence is no doubt the reason why E. Schwartz wrote of the edict, “Es war noch eine Anerkennung, sondern nur eine Indulgenz, die der Kirche gewährt wurde; sie konnte von den Statthaltern schikanös ausgeführt und ohne Schwierigkeit von der Regierung zurückgenommen werden“ (*Kaiser Constantin und die christliche Kirche* (1913), 63). Conversely, J.R. Knipling has pointed out, quite rightly, that “the Roman state was accustomed to exact of its citizens in their private worship and of their non-citizens in their public worship the condition that nothing be done against their good order, the government, the law and public morals. This seems to be the significance of *disciplina*” (*Revue de Belge de Philologie et d’Histoire* I, 702). Maybe it was essential to the emperors to include this condition because Christianity was still suspected of being a front for crimes, wizardry and political conspiracies.

²⁶³ Cf. *cap. XXXIV,5: Unde iuxta hanc indulgentiam nostram debebunt deum suum orare pro salute nostra et rei publicæ ac sua, ut undique uersum res publica perstet incolumis et securi uiuere in sedibus suis possint*.

excellent sense, but only when we realize that the central concern of the edict is the question of *salus rei publicae*.

The argument of the entire edict rests on the assumption that the emperors are responsible for ensuring the *incolumitas* of the Roman Empire by seeing to it that people come together in worship of the gods. This traditional goal of Imperial religious policy remains unchanged and steadfast. As a new addition the Christian god is now counted among the gods that must be worshipped to ensure *salus rei publicae*. The point of the entire edict is the demand that Christians must pray to their god *pro salute nostra et rei publicae ac sua*. It is no end in itself that Christians are given freedom of worship but it is a necessary precondition if they are to pray to their god for peace and prosperity for the Empire.

The edict does not specifically state why the Imperial power abandons the persecution of the Christians and recognizes them and includes their god among the official deities that will secure the *salus* of the Empire. There is a hint, though, in the statement that the emperors recognized the Christians because the persecutions had driven the vast majority into a state of “godlessness” – they refused to worship the Roman gods and they were forbidden to worship their own. In Roman thinking, as we know, “godlessness” means that people do not give due homage to the divine powers and as a result the gods send misfortunes and curses to plague both people and their state. The reason why the emperors could not allow a group of people to become godless can only be that the persecutions of the Christians were linked with disasters that visited the Roman Empire. They showed that the Christian god was a reality and punishment would follow if worship was not offered.²⁶⁴ If *salus rei publicae* was to be secured, the Christians must be given freedom to worship their god according to their own *leges*. Strictly speaking, the emperors did not abandon the persecutions because of the Christians’ obstinacy, or in more Christian terms, their courage and readiness to die for their convictions.²⁶⁵ They did so because they realized that

²⁶⁴ Eusebius makes this point even in the revision of his church history which he probably undertook between Maximinus’ military defeat to Licinius on 30 April 313 and his death in August of that year. This is true of *lib.* VIII,13,9, 11 and 14,18 (τίς δ’ ἄν τὴν τῶν τοσοῦτων κτλ.). On the other hand, *Cap.* 15-16, which continue this theme, represent an addition included after Maximinus’ death – Eusebius’ point here is to show that the *incolumitas* of the Roman Empire depended entirely on the relationship between the Imperial power and the church.

²⁶⁵ Consequently, E. Schwartz is not right in viewing the edict in this fashion: “das Kaisertum erklärte sich für besiegt, der Kampf für die Staatsreligion war vergeblich gewesen“ (*Kaiser Constantin und die Christliche Kirche*, 63). The emperors had never conceded any defeat for the simple reason that they were still convinced of the essential

the Christians' god was a deity to be reckoned with. Therefore, and Imperial power working solely *pro rei publicae commodis atque utilitate* had no choice but to allow the Christians to worship their god and demand that they pray to him for the *incolumitas* of the Empire.

As we have seen, the persecutions of the Christians had been suspended in the West since the spring of 305, but in the eastern provinces of the Empire, they had continued under Galerius and Maximinus.²⁶⁶ There the edict came as a complete surprise to the Christians. It was so unexpected and seemed so miraculous that it could only be seen as the result of God's marvellous intervention. God had reconciled himself with his people and in his mercy he had changed the minds of the emperors so that they abandoned the persecution of the Christians.²⁶⁷ Soon, however, Christians reported that the complete turnaround in the Imperial position in relation to the Church had been caused by Galerius who had converted to the Christian god on his deathbed. Lactantius – our first evidence of this perception – says that Galerius was overwhelmed by his pains and finally had to acknowledge the Christians' god and declare that he would reconstruct God's church and make good the damage he had done in his criminal persecutions of the Christians²⁶⁸ – which he showed by issuing the edict. This understanding also appears with Eusebius in a later revision of his church history.²⁶⁹

correctness of their religious policies. They had just accepted their failure to see the Christian god as a deity that possessed *numen* just as well as the official gods of the Roman Empire. It was quite natural for someone thinking and acting within the traditions of Roman religion to accept such an experience and draw conclusions from it.

²⁶⁶ Eusebius is keen to emphasize that this situation represented something new and unusual in Roman history: διαίρειται μὲν γὰρ ἐπὶ τῷ καθ' ἡμᾶς διωγμῷ διχῆ τὰ τῆς βασιλείας, εἰρήνης δ' ἀπολαύουσιν οἱ ἐν θατέῳ μέρει τῷ προδεδηλωμένῳ κατοικοῦντες ἀδελφοί, τῶν ἀνὰ τὴν ἄλλην οἰκουμένην μυρίους ἐπὶ μυρίοις ἀγῶνας ὑπομεινάντων (*De mart. Pal.* 13,13).

²⁶⁷ Cf. *h.e.* VIII,16,1: ὡς γὰρ τὴν εἰς ἡμᾶς ἐπισκοπὴν εὐμενῆ καὶ ἴλεω ἡ θεία καὶ οὐράνιος χάρις ἐνδείκνυτο, τότε δῆτα καὶ οἱ καθ' ἡμᾶς ἄρχοντες, αὐτοὶ δὲ ἐκεῖνοι δι' ὧν πάλαι τὰ τῶν καθ' ἡμᾶς ἐνηργεῖτο πολέμων, παραδοξότατα μεταθέμενοι τὴν γνώμην, παλινῳδῖαν ἦδον χρηστοῖς περὶ ἡμῶν προγράμμασιν καὶ διατάγμασιν ἡμερωτάτοις τὴν ἐπὶ μέγα ἀφθεῖσαν τοῦ διωγμοῦ πυρκαϊὰν σβεννύντες. See also *De mart. Pal.*, 13,14.

²⁶⁸ Cf. *De mort.* XXXIII,11: *Et haec facta sunt per annum perpetem, cum tandem malis domitus deum coactus est confiteri. Noui doloris urgentis per interualla exclamat se restitutum dei templum satisque pro scelere facturum. Et iam deficiens edictum misit* Lactantius uses the phrase *deum confiteri* to indicate that Galerius declared his personal creed to God and confessed his sins to Him at the same time.

²⁶⁹ In his first editions of both *De mart. Pal* and of *h.e.*, both published immediately after the issue of the Galerius edict, Eusebius only states that all emperors had issued it, see *De mart. Pal* 13,14 and *h.e.* VIII,15,1. In a later revision which must date from the

If Galerius himself really issued the edict, it must be added that it was not the result of his conversion to Christianity. The edict expresses no regrets of the persecution of the Christians but supports the Roman gods and clearly distances itself from the Christian god. In no way does the edict indicate a change in religious attitude towards the Christian deity. A Roman statesman speaks in the demand that Christians too must pray to their god for the *incolumitas* of the Empire. The edict is a political, not a personal, religious document in its official inclusion of the Christian god among the gods recognized by the state. Its motives are political also in the sense that it grew out of recognition that it was dangerous and harmful to the Roman Empire that the Christians did not worship their god.

This much we can deduce from the edict itself – and we have no other material to answer the questions of the author of the edict and the motives behind its appearance. The Christian writers may have misinterpreted the intentions behind the edict but they are no doubt right when they see it as issued by Galerius. He experienced the collapse of the tetrarchy and contracted a painful cancer despite his eager determination to ensure the worship of the gods of the Roman Empire, and that must have raised the critical question whether the gods had really been given their due. The experience of Christian resistance to Imperial authority must provoke speculation that the Christian god might be a deity to be reckoned with – even more so because the Christians incessantly proclaimed that they were obliged under threat of punishment and damnation by their god to obey and worship only him, and they also claimed that only the god of their creed could protect the emperors and the Roman Empire.

We may even be permitted to go one step further and suggest that the edict was the result of a sudden decision. That would explain the remarkable fact that it maintained traditional religious policies with the one exception that the Christian god was now given a place among the gods recognized by the Roman Empire. It meant, however, that the position of the edict became untenable in the long run. As long as the Christians maintained their exclusive monotheism, the Roman gods and the Christian god could not coexist peacefully. Therefore the edict represents the collapse of the religious policies of the tetrarchy. Recognition of the Christian god

time after Maximinus' death, Eusebius added an account of Galerius' illness which eventually was supposed to have made him abandon his persecution of the Christians, see *h.e.* VIII, 16,3-17,1. Eusebius also referred to Galerius' repentance and his confession of his sins to God: καὶ δὴ τοσοῦτοις παλαιῶν κακοῖς συναίσθησιν τῶν κατὰ τῶν θεοσεβῶν αὐτῷ τετολημμένων ἴσχει, συναγαγὼν δ' οὖν εἰς ἑαυτὸν τὴν διάνοιαν, πρῶτα μὲν ἀνθομολογεῖται τῷ τῶν ὅλων θεῷ ... (*cap.* 17,1).

must necessarily mean that the idea of establishing the religious unity of the Empire under the Roman gods was abandoned. We do not know, though, which acute situation made Galerius suddenly issue his edict.²⁷⁰ We can only point out that it must have been provoked by considerations that grew out of the perception in Roman religion of the necessary connection between divine worship and the *incolumitas* of the state and its people.

A number of scholars have argued that purely political motives have determined the appearance, in part or in total, of the edict. Henri Grégoire has advocated this perception particularly strongly. He believes that his analysis of religious and political developments from the abdication of Diocletian and Maximianus in 305 to the fall of Maximinus in 313 can “vérifier, avec la rigueur d’une véritable loi historique, ce principe que les empereurs se servent de la religion comme d’une arme, tantôt offensive, tantôt défensive, et que leurs changements d’attitude, en cette matière, sont toujours en rapport avec les circonstances politiques”.²⁷¹ Religious policies were used to further individual political goals. Galerius coupled the struggle for political world supremacy with the fight against the Christians²⁷² and according to Grégoire that must mean that anyone that opposed his political hegemony also rejected his hostile anti-Christian religious policies. It was characteristic, not least, that the emperors developed policies favourable to the Christians in areas that they considered seizing.²⁷³

²⁷⁰ Lactantius offers the answer that Galerius issued his edict in return for a cure for his cancer: *Nec tamen ille hoc facto ueniam sceleris accepit a deo, sed post dies paucos ... cum iam totius corporis membra diffluerent, horrenda tabe consumptus est* (*De mort.* XXXV,3). Eusebius suggests the same understanding in *App.* 1 of *h.e.* VIII. There is nothing to show that this information is wrong – it even explains the acute situation that Galerius experienced. On the other hand, the perception may have been caused by the words of the edict: *Unde juxta hanc indulgentiam nostram debebunt deum suum orare pro salute nostra*. The passage refers to a prayer for the happiness and prosperity of the Imperial powers, but with Galerius’ illness in mind it may well be understood to mean a prayer for the emperor’s health and cure.

²⁷¹ *Revue de l’Université de Bruxelles* XXXVI (1930-31), 264.

²⁷² Cf. p. 241: “à cette époque étrange trois choses s’identifiaient: l’ambition hégémonique de Galère, le ‘système tétrarchique’, dont elle se couvrait pour ainsi dire, et la politique anti-chrétienne, qui était l’un de ses moyens de propagande”.

²⁷³ Cf. p. 264: “Ce qui les détermine, lorsqu’ils se croient forts, ce n’est pas tant le souci de respecter la foi de leurs sujets immédiats que le désir d’attirer à eux la masse des militaires et des civils dans les parties de l’Empire sur lesquelles ils espèrent étendre leur domination. ... C’est la politique, toujours, qui prime la religion. Mais, très souvent, c’est la politique extérieure. Et les changements brusque d’attitude d’un Galère et d’un Maximin, la prudence d’un Constantin, la modération d’un Maxence ont des motifs

Before we discuss the emperors identified by individual scholars as the real authors of the edict of tolerance, we must point out that the entire argument uses as premises matters that needed proof. It has been taken for granted that the Christians represented a political power in the Roman Empire which the emperors had to take into account and which they could even use to their own advantage in their mutual power struggles. Our sources offer no substantiation for such an understanding; they show that it is wrong.

At the beginning of the fourth century, Christians were definitely convinced that they were citizens of Heaven (cf. Philippians 3,20). They had their eyes on a divine kingdom that was not of this world. The political and social order represented by the Roman Empire was temporary and doomed to destruction at the end of time. Even so, the Christians still believed that the emperor had been appointed by God as his servant to ensure justice and order by sentencing and punishing the wicked. Therefore one must show obedience towards the emperor and last but not least pray for the happiness and prosperity of the Roman Empire and the emperor. This demand was valid no matter if the emperors were good or evil and quite independently of their religious convictions. Christians could point to the unreasonable injustice of the persecutions mounted against them by the Roman authorities. They could even point to themselves as the best citizens and even at times claim that the Roman Empire needed Christianity to ensure its continued existence.²⁷⁴ No one expected the Imperial authorities to join hands with the church, though! No one expected them to fulfil the Christian demands for their church to be recognized in the Roman Empire on an equal footing with other cults. It was, quite simply, the Christians' lot in this world to suffer adversity and persecutions and even death because of their faith. If they experienced peaceful times, they were God's act of grace; evil times were God's just punishment for their sins and the Devil's attempt to crush God's holy people.²⁷⁵ The Christians reacted to suffering and adversity only by calling on God for help and deliverance and by leaving it to Him to judge and punish the godless – for vengeance belongs to Him alone. And the harsher their conditions, the more intense their longing

d'ordre non pas spirituel ou théologique, mais, moins noblement, utilitaire et opportuniste".

²⁷⁴ For additional information, see *Christus oder Jupiter*, 87ff.

²⁷⁵ Eusebius' first edition of *h.e.* VIII-IX serves as excellent proof of the extent to which this perception defined the Christians during "the great persecution" 303-311. We see it in *lib.* VIII,1,6-2 and 16,1-2. The persecutions were inflicted on the Christians as God's punishment for their sins and they stopped when God was reconciled with his people.

to be delivered wicked sinful world and achieve eternal life in God's kingdom. Persecutions therefore invariably produced an increase in eschatological-apocalyptic expectations, as we saw it during "the great persecution" from 303 to 311.

The Imperial authorities could well regard the Christians as politically dangerous because they denied absolute validity to the political and religious traditions of the Roman Empire. But they had no reason to fear that the Christians would oppose or conspire against the existing government. Whether Christians reacted with political quietism or dreams of apocalyptic glory, they never posed a threat to the rulers of the day. It was quite beyond their ken to display dissatisfaction that could be used politically. Similarly, their faith defined their existence in a way that excluded the possibility that they would become a group that wielded political power and influence.²⁷⁶ It would have meant involving themselves in this world and abandon God's kingdom of eternity as their focus.

The Christians in no way constituted a force that various emperors needed to consider or could use to further their own political aims.²⁷⁷ Even if we completely disregard the question whether following the heathen gods did not exclude any partiality towards the Christians, we must say that favouring the Christians was poor politics. The vast majority of the population still consisted of heathens.²⁷⁸ Moreover, the influential cultural elite had little time for Christianity which they regarded as hostile to the Roman Empire and its culture.²⁷⁹ If purely political motives were to decide religious policies, the wisest course of action seemed to demand unequivocal

²⁷⁶ We should add that the Christians had no power that could turn them into a movement of political protest to be heard, had they so wished. They were still recruited almost exclusively from the lower social classes. The Diocletian persecutions had also meant that all Christians had been removed from both the army and the court. They also meant that many Christians from the upper classes had defected from the church – for them keeping their Christian faith was a truly costly decision! The church had never really had the financial and social potential to become a pressure group, and Diocletian's persecutions had removed even the smallest such power.

²⁷⁷ This was true without any reservations for the time until Constantine seized the West completely after the battle of the Milvian Bridge on 28 October 312. The "Christian problem" became a political issue then only because Constantine decided to introduce a religious policy based on the assumption that the Christian God was the true god, see below chapter V at note 125. Only as a result of Constantine's favourable policy towards the church did the "Christian problem" become a political factor in the final conflict between Constantine and Licinius, see *Christus oder Jupiter*, 212 ff.

²⁷⁸ This was true also of the areas in which Christianity had a strong following such as Asia Minor.

²⁷⁹ For more information, see *Christus oder Jupiter*, 135ff.

support of the religious traditions embraced by the heathens – all the more so because Christian philosophies and their social position were such that no emperor needed to take the slightest notice of them for reasons of political power.

It is understandable that scholars have been sceptical of the assumption that Galerius who had been a particularly uncompromising persecutor of the Christians would suddenly himself initiate an edict that gave freedom of worship to the Christians. It has even been established as historically incorrect that Galerius converted to Christianity on his deathbed, so it is hardly strange that the edict has been seen as the product of external pressure.

It has been suggested that Constantine had in fact persuaded Galerius to grant the Christians freedom of worship.²⁸⁰ The reason, supposedly, was that Constantine had not resumed the persecution of the Christians after he had established control of Gaul and Brittany in 306. This is true,²⁸¹ but it can not be taken to mean that he favoured Christianity.²⁸² From the start,

²⁸⁰ E. Schwartz writes: "Indes sieht die gewundene, die Verfolgung rechtfertigende Motivierung nicht recht danach aus, als sei sie von einem Mann entworfen, der von einem erst spät erkannten Gotte Rettung und Heilung erhoffte; sie legt es vielmehr nahe, den Umschlag zugunsten der Christen auf einen Druck zurückzuführen, der von aussen her auf den ersten Augustus ausgeübt wurde. Dies einmal zugegeben, kann nur Constantin es gewesen sein, der bei dem ehemaligen Anstifter der Verfolgung die Aufhebung durchsetzte; Licinius nahm kein Interesse daran und Maximin war überzeugter Heide" (*Kaiser Constantin und die christliche Kirche*, 63-64).

²⁸¹ At any rate, we have no evidence that Christians were persecuted or molested in any other way or prevented from worship by Constantine after he had been appointed as Constantius' successor by the army.

²⁸² Lactantius offers the following information: *Suscepto imperio Constantinus Augustus nihil egit prius quam christianos cultui ac deo suo reddere. Hæc fuit prima eius sanctio sanctae religionis restitutæ* (*De mort.* XXIV,9). This must be rejected as historically incorrect, however. In the years after 306, Constantine worshipped the gods of the tetrarchy, but moreover his political position was so precarious that he is unlikely to have made it more difficult by cancelling the edicts of persecution against the Christians. This would have been double provocation in part because it would mean rejecting the official religious policies of the tetrarchy, in part the dismissal of Galerius' right as *maximus augustus* to exercise supreme legislative authority in the Empire. Lactantius' information must date at the earliest from the time after the battle of the Milvian bridge when Constantine appeared as favouring the Christian church. Eusebius also says that soon after he had been appointed *augustus* Constantine ζηλωτὴν ἑαυτὸν τῆς πατρικῆς περὶ τὸν ἡμέτερον λόγον εὐσεβείας κατεστήσατο (*h.e.* VIII,13,14). In the preceding chapter (*cap.* 13,13) Eusebius had explained how Constantine had behaved τῷ θεῷ λόγω προσφιλέστατα (*cap.* 13,12) and engaged in no persecutions but always acted to protect the Christians – he even left church buildings standing (*cap.* 13,13). This last point is certainly incorrect, as we can see from a comparison with *De mort.* XV, 7: *Nam Constantius, ne dissentire a maiorum præceptis uideretur, conuenticula id est parietes,*

Constantine probably regarded Diocletian's persecutions as politically foolish²⁸³ and therefore he did not find it difficult to ignore the persecution edicts. He had even less reason to persecute the Christians because they constituted a negligible minority in Gaul and Brittany. But the sources clearly show that he remained a heathen. Coins and extant *panegyrici* show that until 310 Constantine proclaimed his support of the gods of the tetrarchy and worshipped *Sol Invictus* as his special tutelary deity. Constantine's religious position up to 311 contains no motive for his intervention with Galerius on the Christians' behalf to obtain freedom of worship. Finally, we should point out that Lactantius and Eusebius do not mention Constantine as having had any influence on the radical change to the Imperial religious policies that appears in the Galerius edict. Their silence is significant because as Christian authors they were very keen to emphasize anything that could show Constantine's Christian outlook. There is no basis for suggesting, then, that Constantine was behind the so-called Galerius edict.

As the defeated party, Maxentius has gone down in history as a tyrant. Consequently, it was also clear to the Christians that Maxentius was guilty of *superstitio* and practiced wizardry and that he also persecuted the Christians. Recent studies have established that the sources offer no basis for branding Maxentius a persecutor of Christians.²⁸⁴ There is widespread agreement, in fact, that he was the first ruler to instigate a policy of tolerance in relation to the church.

One scholar, D. de Decker, has even tried to show that Maxentius was a Christian. His Christian faith was the reason why he was passed over as

qui restitui poterant, dirui passus est In general, *h.e.* VIII,13,12-14 has no historical validity because it must date from a time no earlier than 317 when it was essential for Constantine to claim that his father had created a Christian dynasty who had sole right to govern the Roman Empire. As a contribution to this propaganda Constantine himself tells the eastern provinces in 324 that as opposed to the other emperors of the tetrarchy μόνος δ' ὁ πατήρ ὁ ἐμὸς ἡμερότετος ἔργα μετεχειρίζετο, μετὰ θαυμαστῆς εὐλαβείας ἐν πάσαις ταῖς ἑαυτοῦ πράξεσι τὸν σωτῆρα θεὸν ἐπικαλούμενος (*Vita Constantini* II, 49).

²⁸³ Cf. Constantine's letter to the eastern provincials in which he says about the emperors of the tetrarchy except Constantius: τῆς δὲ πονηρίας αὐτοῖς ἡ δεινότης εἰς τοσοῦτον ἐξήπιτο, ὡς πάντων ὁμοῦ τῶν θείων τε καὶ ἀνθρωπίνων πραγμάτων εἰρηνευόμενον ἐμφυλίους ὑπ' ἐκείνων πολέμους ἀναρριπίζεσθαι (*Vita Constantini* II, 49).

²⁸⁴ See in particular Groag in *RE* XIV col. 2462ff. and H. von Schoenebeck, *Beiträge zur Religionspolitik des Maxentius und Constantin* (*Klio*. Beiheft XLIII, 1939), 4ff. D. de Decker, *La Politique Religieuse de Maxence in Byzantion* XXXVIII (1968), 472-562 offers the most recent and most comprehensive discussion of Maxentius' relationship with the church. Apart from the thesis proposed, the study contains an excellent survey of scholarship and includes all relevant sources in its analysis.

caesar when his father Maximianus abdicated.²⁸⁵ Therefore Decker believes that new light can be shed on the origin of the Galerius edict. It is equally clear, though, that it does not reflect his own religious convictions – its appearance simply served political purposes. Decker believes that on his deathbed Galerius wished to secure the future of the Roman Empire by establishing a new tetrarchy which also included Maxentius. The greatest obstacle in this had been the religious policies – all cooperation had been made impossible by the conflict between Maxentius' kind policies towards the Christians and the heathen anti-Christian policies of the tetrarchy. By granting complete religious freedom to the Christians, however, Galerius had removed this crucial hindrance to the political unity of the Empire.²⁸⁶ The Galerius edict must therefore be regarded as the positive response of the dying *augustus* to the rapprochement to the tetrarchy that Maxentius initiated by accepting Galerius' consular appointment for the year 311. Decker makes it clear that the aim of the issue of the Galerius edict was fulfilled – a new and apparently fully functional tetrarchy was established, and it included Maxentius.²⁸⁷ After Galerius' death, therefore, Maxentius had every reason to honour him on coins and in inscriptions as *Diuus Maximianus socer*.²⁸⁸

Decker finds proof of Maxentius' Christian conviction in Eusebius. In *h.e.* VIII,14,1 he explains that immediately after he had seized power Maxentius pretended to be Christian in order to please and flatter the Roman people and ordered his subjects to stop the persecution of the Christians.²⁸⁹ Quite apart from the linguistic problems in the passage²⁹⁰, it also

²⁸⁵ See *Byzantion* XXXVIII, 489ff.

²⁸⁶ Cf. p. 543: “Son voeu suprême devait être de sauver le régime tétrarchique et de permettre la constitution, à sa mort, d’un nouveau collège de quatre membres. En accordant la paix religieuse par un édit portant les signatures conjointes des trois empereurs Constantine, Licinius, Maximin, ne supprimait-il pas instantanément le seul obstacle à la coopération de Maxence?”

²⁸⁷ Cf. p. 544: “A la mort de Galère, un collège de quatre tétrarques était rétabli. Tout laissait présager une évolution favorable: avec la paix enfin revenue, la Tétrarchie devait connaître un nouvel essor”.

²⁸⁸ See *ibid.* For the reason of clarity it should be remarked, that Galerius also was named Maximianus.

²⁸⁹ Eusebius' text reads: τούτου παῖς, Μαξέντιος, ὁ τὴν ἐπὶ Ῥώμῃς τυραννίδα συστησάμενος ἀρχόμενος [μὲν τὴν καθ' ἡμᾶς πίστιν] ἐπ' ἀρεσκεία καὶ κολακεία τοῦ δήμου Ῥωμαίων [καθυπεκρίνατο ταύτη τε τοῖς ὑπηκόοις τὸν κατὰ Χριστιανῶν ἀνεῖναι προστάττει διωγμόν], εὐσέβειαν ἐπιμορφάζων καὶ ὡς ἂν δεξιὸς καὶ πολὺ πρᾶος παρὰ τοὺς προτέρους φανείη. The passage in brackets is a later addition, as we shall see shortly.

²⁹⁰ Syntactically, ἀρχόμενος must continue in εὐσέβειαν ἐπιμορφάζων and not in καθυπεκρίνατο. The phrase εὐσέβειαν ἐπιμορφάζων is affixed expression: to feign and

presents problems of content. Given the renaissance experienced by Roman paganism by the end of the third century,²⁹¹ it seems odd that Maxentius wished to please and flatter the Roman people – *populus Romanorum* – by ordering a stop to the persecution of the Christians – one would surely have expected him to have adopted a much stricter approach to the Christians!²⁹²

In fact, the problems of language and substance merely indicate that the passage is Eusebius' extended revision of an original text. This text has reported that immediately after he had become ruler of Rome, Maxentius began to please and flatter the Roman people by pretending to be pious and by acting kindly in order to show that he was less strict than his predecessors. In other words, Maxentius pretended to possess the *virtutes* that marked a just ruler. The text continues to say that the hopes raised as a result were in no way fulfilled.²⁹³ The original contains a description of Maxentius' political rule.²⁹⁴

The source was of heathen origin. That marked the understanding of εὐσέβεια, the Greek equivalent of *pietas*. Eusebius took it in its Christian meaning and so made Maxentius a Christian. He must also have known that no persecutions of the Christians occurred in Maxentius' territories, it meant that he must characterize Maxentius as someone who pretended to share the Christian faith. This clarification of the origin of the passage quoted makes it impossible to use it as proof that Maxentius was a Christian. For the sake of completeness we should add that the passage as it stands

simulate piety, see Liddell & Scott, *Greek-English Lexicon*, 647, and is therefore a double of καθυπεκρίνατο.

²⁹¹ Cf. Erich Caspar, *Geschichte des Papsttum I* (1930), 95.

²⁹² R. Laqueur is the only one to have remarked, “wie es ja auch sachlich unzutreffend ist, zu behaupten, dass Maxentius aus Schmeichelei gegen die römische Bevölkerung befohlen habe, die Christen zu schonen“ (*Eusebius als Historiker seiner Zeit*, 159).

²⁹³ Cf. *cap.* 14, 2: οὐ μὲν οἶος ἔσεσθαι ἠλπίσθη, τοιοῦτος ἔργοις ἀναπέφηνεν, εἰς πάσας δ' ἀνοσιουργίας ὀκείλας ... Even though Laqueur has offered no critical analysis of the passage, he has quite correctly suggested its original contents: “[es] scheint mir evident dass the Quelle berichtet hat, dass Maxentius anfangs das römischer Volk umschmeichelt hat, in der Absicht, gegenüber seinen Vorgängern als milde zu erscheinen; aber er entpuppte sich dann ganz anders und beging alle im einzelnen geschilderten Frevel“ (*ibid.*).

²⁹⁴ The sequel confirms this. *Cap.* 14,1 opens a long passage (14,1-17) describing Maxentius and Maximinus as tyrants. A detailed analysis of the passage may reach other conclusions than did Laqueur, but he must be given credit for having shown that Eusebius here used “eine heidnische Quelle zur Kaisergeschichte”, see *op.cit.*, 150ff.

merely says that Maxentius just pretended to be Christian and soon resumed the persecutions like any other tyrant.²⁹⁵

According to Decker, Lactantius also showed that Maxentius was a Christian. Both Maximianus and Galerius were hostile to Maxentius because he had denied them *adoratio*.²⁹⁶ This was meant to show that not only did he refuse to treat them with proper respect, but he also refused to worship them as divine beings. Given that only the Christians refused to take part in religious worship of the emperors, this supposedly proves that Maxentius was a Christian.²⁹⁷ Decker is right that scholars have failed to consider properly the significance of *adoratio* but his interpretation is untenable. Lactantius' friendly approach to Constantine made him critical of Maxentius but it is unthinkable that he would describe refusal of *adoratio* as *superbia et contumacia* if the word just referred to worship of the emperors.²⁹⁸ Consequently, the passage from Lactantius cannot be used as evidence that Maxentius rated his Christian convictions above his political career.

Nothing in Eusebius or Lactantius, then, allows us to assume that Maxentius was a Christian. In fact, they present him as a heathen tyrant whose religious beliefs were determined by superstition and magic.²⁹⁹ Most importantly, though, coins and inscriptions show that Maxentius wished to appear as a sworn follower of Roman religion and a supporter of a religious

²⁹⁵ Maxentius is not referred to directly as a persecutor of the Christians at any later point, but it is implied in *h.e.* VIII,14,1.

²⁹⁶ Cf. *De mort.* XVIII,9: *adeo superbus et contumax, ut neque patrem neque socerum solitus sit adorare, et idcirco utriusque inuisus fuit.*

²⁹⁷ Cf. D. de Decker in *Byzantion* XXXVIII, 496: "Dans cette perspective, on comprend l'obstination de Maxence, sa signification et ses conséquences. Ce refus obstiné de l'*adoratio* de la part de celui dont tout l'avenir dépendait de ce geste, révèle l'importance que sa conscience lui accordait. Cette véritable objection de conscience que nous connaissons par le récit déformant d'un pamphlétaire ne peut s'expliquer que par les convictions chrétiennes de Maxence, et nous sommes ainsi amenés à observer une remarquable convergence entre le témoignage de *De mortibus* et celui d'Eusèbe".

²⁹⁸ We should add that the passage in *De mort.* XVIII,9 has a purely political focus and serves to characterize Maxentius as a *tyrannus*. It dates from the time after April 308 and forms part of Constantine's ideological campaign against Maxentius. For that reason alone, it cannot be ascribed any historical value. From Lactantius we can only deduct that Maxentius did not persecute the church. This appears from *De mort.* XLIII, 1 which mentions Maximinus as the last of the *aduersarii dei*, even though Maxentius was still alive. On the other hand, we must also mention that Lactantius makes no reference to his policy of tolerance towards the church.

²⁹⁹ Eusebius makes it very clear in *h.e.* VIII,14,5 and IX,8,3. It is also indicated by Lactantius in *De mort.* XLIV,8.

policy that promoted worship of the gods associated with *Roma aeterna*.³⁰⁰ This should be sufficient proof, then, that there is no basis for Decker's claim that Galerius published his edict in an attempt to pave the way for Maxentius the Christian to be admitted into the tetrarchy that he wanted formed.³⁰¹

With his characteristic suggestive definitiveness, H. Grégoire claims that the so-called Galerius edict owes its origin only to Licinius.³⁰² He mentions that Licinius, who resided at nearby Sirmium, was present at Galerius' deathbed: "Ce n'était pas seulement une affectueuse sollicitude qui avait appelé Licinius auprès de Galère mourant. C'était le désir de s'assurer l'héritage de l'aîné des Augustes: la Thrace d'abord, qui aurait pu échoir à Candidianus. l'Asie Mineure ensuite, que Licinius sentait menace par l'ambition de Maximin, son rival depuis 308. Nous attribuons en définitive et, en toute confiance, l'édit de tolérance de Sardique, car il faut lui restituer ce nom, à cette rivalité entre Licinius et Maximin, qui finira par provoquer le conflit armé de 313".³⁰³ The edict was thus issued to create sympathy for Licinius among the Christians in Asia Minor – here he wished to "exploiter le mécontentement cause un peu partout par la persecution".³⁰⁴ It

³⁰⁰ For more information, see Groag in *RE* XIV col. 2457ff and A. Chastagnol: *La Préfecture Urbaine à Rome sous le Bas-Empire (Publications de la Faculté des Lettres et Sciences Humaines d'Alger XXXIV, 1960)*, 396ff. This aspect has not been given due consideration by Decker, but the other scholars that have discussed Maxentius' religious policies have also neglected to give it the attention it deserves. This may have to do with a general eagerness to do historical justice to Maxentius which has led to an assessment of his attitude to the church as more favourable to the Christians than a critical study of the few sources can substantiate.

³⁰¹ Quite apart from the question of Maxentius' religious convictions, we must reject as unfounded the assumption that a new tetrarchy including Maxentius was created. Based on our comments on the political situation after the Carnuntum conference, we only need to say that Licinius would never recognize Maxentius as a legitimate *augustus*. It would mean that he would give up his rights to Maxentius' possessions and have his authority restricted to the Balkans. Given the tense relationship between Constantine and Maxentius, it is not terribly likely that Constantine would accept Maxentius' claim to the title of ruler. In fact, as we have already shown, Maxentius' attempt to gain recognition from Galerius failed – he was still considered a usurper that must be destroyed. Maxentius' tolerance towards the Christians made no difference in this context for the simple reason that the "Christian problem" was no political issue.

³⁰² This point is developed in "La conversion de Constantin" in *Revue del'Université de Bruxelles* XXXVI (1930-31), 245ff and in "About Licinius' Fiscal and Religious Policy" in *Byzantion* XIII (1938), 554ff.

³⁰³ *Revue de l'Université de Bruxelles* XXXVI, 247.

³⁰⁴ Pp. 241-242.

was difficult for Licinius to realize his policy of tolerance, but he succeeded at last.³⁰⁵

Critical analysis makes it impossible to accept Lactantius' information that Licinius was with Galerius when he was dying.³⁰⁶ We have also suggested – and we shall return to the point later – that the assumption of rivalry between Licinius and Maximinus over Galerius' possessions has no basis whatsoever.³⁰⁷ We have also shown that it is historically incorrect to view the Christians as a group that could be used in political struggles for power, so it should be clear that Grégoire's understanding is untenable.

Marcello Fortina develops Grégoire's points in a major study of Licinius' religious policies.³⁰⁸ He makes a new suggestion that after Licinius had been made *augustus* in 308, he had adopted a policy of tolerance towards the Christians – otherwise Lactantius and Eusebius would have been unlikely a few years after the issue of the Galerius edict to have portrayed Licinius as “amico e protettore del cristianesimo e della Chiesa alla pari con Costantino..., se fosse stata a loro conoscenza una persecuzione di Licinio contro i cristiani anteriormente a tale data”.³⁰⁹ Fortina also refers to information in *Historia Augusta's* biography of Gordianus as proof that Licinius was behind the Galerius edict. When he assumed power, he is supposed to have declared that he descended from Philippus Arabs.³¹⁰ According to tradition, he was a heathen emperor who also showed tolerance towards the Christians, so Licinius' choice of him as his ancestor supposedly showed that he accepted his religious policies including freedom of worship for both heathens and Christians.³¹¹ Finally, Fortina argues that Licinius can have had no responsibility for any persecutions of the Christians, because he was far removed from the neo-Platonists, the real

³⁰⁵ Cf. p. 247: “Dans l'édit même, on surprend comme l'écho des discussion entre les deux Augustes, Licinius et Galère. Dans la forme, c'est une sorte de compromis. Il met fin, en fait, à la politique persécutrice de Galère; et en même temps, cette politique est, rétrospectivement sans doute, mais explicitement et très éloquentement justifiée”.

³⁰⁶ Cf. p. 256.

³⁰⁷ See p. 159f.

³⁰⁸ “La politica religiosa dell'imperatore Licinio” in *Rivista di Studi Classici* VII (1959), 245-65 and VIII (1960), 2-23.

³⁰⁹ *Op.cit.*, 249.

³¹⁰ The relevant passage reads: *quem titulum evertisse Licinius dicitur eo tempore, quo est nactus imperium, cum se vellet videri a Philippis originem trahere* (*Scriptores Historiae Augustae* XX,34). H. Grégoire had previously referred to the same passage, cf. *Byzantion* XIII, 554.

³¹¹ See *op.cit.* 249.

enemies of Christianity.³¹² Demonstrating Licinius' pro-Christian position was meant to prove that Licinius also wished to carry out the Galerius edict for religious reasons.

We have no sources that offer a specific account of Licinius' religious convictions before the appearance of *litterae Licinii* in June 313.³¹³ Lactantius reports, however, that Galerius sought and took Licinius' advice in all matters.³¹⁴ In all other respects, Lactantius distances Licinius from the emperors hostile to Christianity, so this information must be given for the sole reason that it is correct. When we remember the significance that Galerius attached to the fight against the Christians, this can only mean that their smooth cooperation also included the religious policies. As a heathen, Licinius approved of the anti-Christian policies of the tetrarchy, and that was probably a contributing factor in his appointment as *augustus*. It seems obvious, then, to deduce from Lactantius' comment that even as *augustus* Licinius pursued Galerius' religious policies.

Lactantius and Eusebius portray Licinius as the protector of the Christians along with Constantine, but we must not conclude from this that he never engaged in any persecutions of them. In their "Kaisergeschichte" the two Christian writers reflect the official propaganda of the victorious emperors after 313 to such an extent that their information cannot be used as a basis for more far-reaching deductions regarding the years immediately preceding 313.³¹⁵

³¹² Cf. p. 250: "E noi crediamo che nemmeno in via subordinata e indiretta sia possibile far risalire a Licinio una qualche responsabilità di nature morale e intellettuale per la persecuzione anticristiana allora in atto ad opera di Galerio. Il nemico più pericoloso del cristianesimo sul piano ideologico era in questo momento il neoplatonismo; ma Licinio, oltre ad essere ostile ai seguaci di detta scuola filosofica, era uomo troppo rozzo ed ignorante per poter esercitare una qualsiasi influenza di ordine spirituale in senso contrario al cristianesimo ed alla Chiesa". As a reason for Licinius' non-philosophical approach, Fortina refers to Aurel. Vict. *Lib. de caes.*, 41,5: *Licinio ne insontium quidem ac nobilium philosophorum servili more cruciatus adhibiti modum fecere.*

³¹³ Reprinted in *De mort.* XLVIII,2-12 and *h.e.* X,5,2-14.

³¹⁴ See *De mort.* XX,3.

³¹⁵ Eusebius' treatment of Licinius in the various editions of his church history can serve as an example. In the revision undertaken from 313 to 315, he portrays Licinius as wise and pious and states that God had given him the task of destroying ungodly and tyrannical Maximinus, see *h.e.* IX,9, 1 and 10,3. When Constantine defeated Licinius in 324, Eusebius removed from the final version of his church history, all material that showed him in a favourable light – he had been possessed by *μανία* was the new claim. Eusebius also added a passage, *h.e.* X, 8,2-9,9, designed to make Licinius appear as the worst of all godless tyrants.

It is true that we have no reliable evidence that Licinius persecuted the Christians, when he was given Pannonia as *augustus* – those few accounts of martyrs that claim to originate from there are of such a dubious quality that they can not be used as a basis. On the other hand, it does not mean that Licinius had started to pursue friendly policies towards the Christians. He has not gone down in history like Galerius as a persecutor of Christians. Probably for the simple reason that the Christian formed such a small minority in Pannonia that it was easy for them to escape the attention of the authorities. Finally, we should not forget that the bloody persecutions of the Christians had been officially stopped when Licinius was proclaimed *augustus* in 308.

If the information in *Historia Augusta*'s biography of Gordianus is to be given any historical validity, we must reject the suggestion that Licinius named Philippus Arabs as his ancestor when he became emperor in 308. At that point in time, only personal merit served to qualify a person for the Imperial throne. Not till after 313, when Licinius had become ruler of the East and attempted to establish a dynasty in open competition with Constantine, may he have proclaimed Philippus Arabs as its progenitor. The passage from *Historia Augusta*, then, cannot serve as an argument that Licinius had begun a policy of tolerance as soon as he had been appointed *augustus*.

If Fortina's reading of *Liber de caesaribus* is to be accepted at all, we must add that it would be haphazard to deduce that Licinius did not persecute the Christians. At a later point in time, Licinius showed himself capable of harassing the Christian with both intelligence and finesse, but Galerius is also characterized in the text like all other Illyrian emperors as a man without culture or education. It did not prevent him from becoming a zealous persecutor of Christians!

We have shown that there is no basis for assuming that Constantine, Maxentius or Licinius respectively were effectively responsible for the appearance of the edict. It should also be clear that we have no other source than the edict itself for an answer to the question of its origin. We have seen that in essence the emperors recognized the Christian god as an effective deity that could ensure the *incolumitas* of the Roman Empire alongside existing official gods.³¹⁶

³¹⁶ Several scholars see Galerius as the author of the edict and also believe that purely political motives made him publish it. J. Vogt claims: "Politisch musste sich dem rangältesten Augustus immer noch ein Gewinn aus dem Toleranzgesetz ergeben: wenn schon auf den Bahnen des Diokletian die religiöse Einheit nicht zu gewinnen war, so sollte durch die reichsgesetzliche Duldung des Christentums neben den anderen Kulten

If we ask on that basis who was the author of the edict, the answer must be Galerius. He had supported the tetrarchan religious policies directed against the Christians because that was the only way to ensure *salus* for the Roman Empire and its emperors. Political developments since 306 along with his own political impotence and his painful illness had forced him to accept that existing religious policies had not saved the Empire and its emperors. Against his innermost convictions and in accordance with the pragmatic thinking characteristic of Roman religiosity,³¹⁷ he concluded that these misfortunes could only have occurred because they had deprived the Christian god of the worship due to him. As *maximus augustus*, therefore, Galerius ordered that Christians to resume their worship. The political collapse of the tetrarchy had thus forced a revision of its existing religious policies. The church was no longer to be eradicated; it was given the right to exist because its cult was necessary to the unchallenged continuation of the Roman Empire and its Imperial power.

die Gefahr gebannt werden, dass die Christenfrage zum Vorwand persönlicher Machtpolitik wurde” (*Reallexikon für Antike und Christentum* III, col. 317-18 on “Constantinus der Grosse“). M. Fortina, who disagrees with Grégoire in that he also regards Galerius as sharing the responsibility for the edict, follows a similar line of thought, as is clear from this comment: “A chi reggeva il governo nelle regioni di Oriente doveva apparire come ovvia considerazione di opportunità politica cercare di ristabilire la pace religiosa e, con questa, una maggiore tranquillità ed una unità morale almeno relative nell’impero, sia in vista di poter fronteggiare con più sicura fiducia eventuali pericoli esterni, sia per crearsi una base più solida nelle lotte interne che i contrasti fra i tetrarchi rendevano prevedibili” (*op.cit.*, 250). Therefore, Galerius’ edict was “un atto di calcolata prudenza, di lungimirante valutazione di ciò che poteva riuscire vantaggioso per l’impero” (*ibid.*). It is probably no coincidence that neither J. Vogt nor M. Fortina has substantiated this perception. The sources do not allow for that at all. On the contrary, they speak of a fierce conflict between Christianity and paganism. The emperors might feel forced to tolerate Christianity, but such an act did little to promote religious unity in the Empire. Christians were just given complete freedom to continue unhindered their fight against paganism and its gods. Maximinus understood this very clearly – and knew how to act in accordance with this understanding.

³¹⁷ For more details, see *Christus oder Jupiter*, 24ff.

Chapter IV

MAXIMINUS AS *MAXIMUS AUGUSTUS* 311-12

1. Maximinus becomes *maximus augustus*

Just before the edict of tolerance was issued, Galerius died in terrible pain.¹ His death probably occurred at the end of April or beginning of May 311.² On his deathbed, according to Lactantius, Galerius had given the empress Valeria and his son Candidianus into Licinius' care. This is most likely meant to signify that Galerius had appointed Licinius his successor as *maximus augustus*, so he was also entitled to take over his possessions.

This plan was thwarted by Maximinus. Lactantius reports that when Maximinus had received the news of Galerius' death he left the Orient and hurried along all the stations regularly positioned through Asia Minor so that he could take control of all the provinces in Asia Minor all the way to the Strait of Hellespont.³ In order to win over the people of Bithynia, he granted them tax exemption which was received with great joy.⁴ However, disagreement arose between Maximinus and Licinius. It even looked like war.⁵ Maximinus had succeeded in occupying Asia Minor because Licinius had hesitated to take possession of Galerius' areas. He had sent out troops, though, so the two rulers now occupied each their side of the Strait of Hellespont. War was avoided when negotiations were arranged. They ended in a pact of friendship with specific conditions between Maximinus and Licinius.⁶ That was Lactantius' story!

¹ Cf. *De mort.* XXXV,3: *sed post dies paucos ... cum iam totius corporis membra diffluerent, horrenda tabe consumptus est.* In *h.e.* VIII *App.* (AER), Eusebius also says that Galerius died a horrible death just after the issue of his palinode.

² The time given in *De mort.* XXXV, 3 refers to the issue of the edict itself. Taking *cap.* XXX, 11 and XXXV,1 and 3 in their entirety, Galerius most likely died in late April or early May 311.

³ Cf. *De mort.* XXXVI,1: *Quo nuntio Maximinus audito dispositis ab Oriente cursibus peruolauit, ut prouincias occuparet ac Licinio morante omnia sibi usque ad fretum Chalcedonium uindicaret Ab Oriente* probably refers to Antioch, Maximinus' headquarters.

⁴ Cf. *ibid.*: *ingressusque Bithyniam, quo sibi ad praesens fauorem conciliaret, cum magna omnium laetitia sustulit censum.* For Lactantius, *ingressus Bithyniam* must refer to Nicomedia, the provincial capital of Bithynia and Diocletian's preferred city of residence.

⁵ Cf. *cap.* XXXVI,2: *Discordia inter ambos imperatores ac pæne bellum.*

⁶ Cf. *ibid.*: *Diuersas ripas armati tenebant, sed condicionibus certis pax et amicitia componitur et in ipso fretu foedus fit ac dexteræ copulantur.*

Scholarship has accepted this account as true without any significant reservations, but it contains elements which critical analysis will show to cast doubt on its historical trustworthiness.

This passage claims that Galerius had given Valeria and Candidianus into Licinius' care, but later Lactantius says that they sought refuge with Maximinus.⁷ A critical analysis of the entire context suggests that Galerius had appointed Maximinus to take care of his wife and son which again suggests that he had been appointed by Galerius to succeed him. We are faced with a factual disagreement, but the second version must without doubt be the correct one. This is confirmed indirectly by the fact that when Licinius had become ruler of all eastern provinces after Maximinus' death, he had both Valeria and Candidianus killed.⁸ This can only mean that they had been with Maximinus all the time and supported his claim to be Galerius' legitimate successor as *maximus augustus*.

According to Lactantius' chronology, as we said, Galerius must have died around 1 May 311 in Serdica. The news of his death is unlikely to have reached Maximinus any earlier than some ten days after the fact. Although Lactantius does not state it explicitly, he seems to imply that Maximinus then took troops on a forced march up through Asia Minor in order to occupy the provinces there. H.J. Lawlor has computed the distance from Antioch to Nicomedia; it is nearly 700 Roman miles, just over 1050 km.⁹ If we assume that Maximinus started out immediately with his *comitatus*, the mobile field army, it must have taken him at least six weeks to move it from Antioch to the Strait of Hellespont.¹⁰ Maximinus' military manoeuvres would have been completed at the very earliest at the beginning of July, and if we allow time for negotiations it would be some time into July before a pact of friendship could be established between Maximinus and

⁷ Cf. *De mort.*XXXIX,2: *Venerat post obitum Maximiani ad eum Valeria, cum se putaret in partibus eius tutius moraturam eo maxime quod habebat uxorem.* From *cap. L, 2* it appears that Candidianus must have followed his mother and stayed at the court of Maximinus.

⁸ See *cap. L,2*.

⁹ See *Eusebiana*, 211ff. Lawlor bases his computation on W. Ramsay's excellent *Historical Geography of Asia Minor* (1890), and he quite rightly believes that the route later known as "The Byzantine Military Road" in essence followed the way that was the most useful, also at the time of the Empire, for transporting troops from Antioch to Nicaea.

¹⁰ According to L.C. Purser, *The Rate of March of a Roman Army* in *Eusebiana* 234f, it is difficult to establish the meaning of *iustum iter*. If we assume a rate of 15 Roman miles a day for six days a week, it would take more than six weeks to move from Antioch to the Strait of Hellespont – and that would in fact have been a forced and extremely demanding pace.

Licinius. That is the very earliest possible date, but it is in fact much more realistic, according to Lactantius' information, to assume that peace was established in August.¹¹

In 1930 a large copper tablet was found at the antique *municipium de Brigetio* by the big road connecting Budapest and Vienna. It contained a copy of an Imperial document (*exemplum sacrarum litterarum*).¹² It was issued in Serdica on 9 June 311¹³ and addressed to *Dalmatius carissimus*.¹⁴ The document itself contains provisions from an Imperial decree but does not identify the issuing emperors¹⁵ or the original addressee.¹⁶ The provi-

¹¹ H.J. Lawlor established the following chronology: "Galerius died at Serdica in May 311. The news may have reached Antioch before the end of the same month. Now – a march from Antioch to Nicomedia would have been accomplished in a little under seven weeks. Thus if the expedition set out on June 1 it would have reached Nicomedia about July 15. Here there was a delay the length of which cannot be determined. It was sufficient however to enable Maximin to purchase the allegiance of the Bithynians by removing an oppressive tax. A further march brought him to Chalcedon. So we reach the last week of July. At Chalcedon he was perhaps obliged to wait for his adversary, and when he came some days would be occupied in stormy negotiations conducted by the two emperors from opposite sides of the straits. For all this a week may be allowed. To this we have to add four days for the return to Nicomedia. Thus we may take the first or second week in August as the earliest date for the commencement of his sojourn in that city. But obviously it is more likely than not to have been considerably later" (*Eusebiana*, 221 f). Even if we assume that Maximinus most likely received the news of Galerius' death a week into May, it does not substantially affect the accuracy of Lawlor's computations.

¹² Étienne Paulovics has produced a fine edition in *La Table des Privilèges de Brigetio* (*Archaeologia Hungarica* XX, 1936). W. Seston has contributed significantly to an understanding of the text and its significance in "Sur les deux dates de la table de privilèges de Brigetio" in *Byzantion* X (1937), 478-86.

¹³ The original text of the tablet of Brigetio had been: DIVO MAXIMIANO VIII ET D(OMINO) N(OSTRO) MAXIMINO AUG(USTO) ITERUM CO(N)S(ULIBU)S III IDUS IVNIAS SERDICA. Maximinus' name was removed after his death because of *damnatio memoriae*, so the passage has been mutilated. É. Paulovics read MAXIMINO AUG II IMPP COSS, but W. Seston interpreted the fragments correctly: DN MAXIMINO AUG ITERUM COSS – the photographs provided by Paulovics clearly confirm this, cf. *Byzantion* X, 478.

¹⁴ Dalmatius has been seen as Constantine's half brother, see É. Paulovics, *op.cit.*, 45 ff for details of this assumption which is shared by many scholars. R. Egger has identified very convincingly the untenable points of his argument: Dalmatius was simply a minor civil servant that is otherwise unknown to us, cf. *Anzeiger der österreichischen Akademie der Wissenschaften, Philosophisch-Historische Klasse* LXXXVI (1949), 8 f.

¹⁵ At the top of the border of the copper tablet itself the following passage has been inscribed: X IMP CAES FLA VAL CONSTANTINUS PF IN AUG PM TRI P VII IMP VI COS PP PCOSS ET IMP CAES VAL LICI LICINIUS PF IN AVG PM TRI P III IMP III COS PP PCOSS. This indicates that Constantine and Licinius – in that order –

sions themselves decreed that tax privileges should be granted on a graded scale to soldiers in active service and soldiers who had left the army as invalids or after serving the customary period of twenty years – these two categories of discharged soldiers were to be issued with *missio* diplomas. In our context, however, the most important information on the Brigetio tablet concerns the relationship between Maximinus and Licinius.¹⁷

The document was certainly issued in Serdica. That must mean that it was given by Licinius who must have established himself only a little over a month after Galerius' death in Serdica, Galerius' favourite quarters. We can also determine that a peaceful relationship existed between Licinius and Maximinus at the time – otherwise Licinius would not have described him as *dominus noster* or acknowledged his consulate.¹⁸

have issued the provisions inscribed on the copper tablet. However, this passage constitutes a later addition to the *exemplum sacrarum litterarum*. This appears in part from the awkward placing of the inscription, in part from the poor lettering that is quite different from the one used on the tablet itself. We can also say that it was added after the break between Maximinus and Licinius in the spring of 313. Licinius may have issued the law on his own – and that is far from certain – but then it should also have carried the name of Maximinus as well as Constantine and Licinius, in that particular order. The *exemplum* on the tablet probably omits the names of the issuing emperors because they were superfluous. It was decreed that the tablet was to be placed in the temple of the flag which also contained pictures of the legitimate emperors. When Maximinus was declared *hostis rei publicae* by Licinius, it was felt that the latter must be identified as the giver of the law. Given the obvious difference between the letters of Licinius' name and the lettering used for Constantine, W. Seston has rightly concluded that Constantine's name has been added even later, cf. *Byzantion* X, 482f. It must date from the time between the first war with Licinius in 316, which gave Serdica to Constantine, and the open break between them in 321. W. Seston has pointed out that the listing of *potestas tribunicia* and the Imperial salutations must refer to 311 for both Licinius and Constantine, see *ibid.*

¹⁶ It appears from the contents of the law that it is directed at *milites nostri*, so there was no need to include the identification in the *exemplum*.

¹⁷ É. Paulovics, the editor, himself tried to show which light the Brigetio tablet throws on the contemporary political situation. He believed that Constantine and Licinius had issued the law of the Brigetio tablet in conjunction, so he sees it as evidence that they had established “une véritable alliance”, see *op.cit.* 44. This argument cannot be sustained, however, after W. Seston's identification of the names of Licinius and Constantine as later additions. In general, this paved the way for detailed use of the Brigetio tablet as a source on contemporary political conditions. Seston himself has given valuable hints and suggestions.

¹⁸ Cf. W. Seston in *Byzantion* X, 479: “Maximin restait en effet le 9 Juin 311 pour les troupes de Licinius un des *domini* dont l'image était vénérée dans les sanctuaires militaires”. The Imperial document specifically prescribes that a copy of it must be posted in

By combining these facts with Lactantius' account, W. Seston draws the conclusion that the pact of friendship between Maximinus and Licinius must have been established before 9 June 311, the date of the issue of the law on privileges for the soldiers.¹⁹ This understanding must be rejected, though, for purely chronological reasons. If Maximinus had received the news of Galerius' death around the middle of May, as Seston assumes, it means that the following events should have occurred in less than three weeks or so: Maximinus' military occupation of Asia Minor, the armed confrontation at the Strait of Hellespont, negotiations between Maximinus and Licinius, the closing of the pact of friendship and Licinius' return to Serdica. This is quite simply a chronological impossibility!

On the other hand, it has been firmly established that Licinius recognized Maximinus, so we can only conclude that there was no military confrontation after Galerius' death. This in turn means that there is no basis for claiming that Maximinus and his troops had occupied Asia Minor and stolen possessions that really belonged to Licinius – according to Lactantius, this was supposed to have been *casus belli*.²⁰ All this must fall as a later construction!

the temple of the flag: *volumus tenorem huius indulgentiae nostrae describunt* (sic!) *per singula qu(a)equae castra apud signa in tabula aerea consecrari*

¹⁹ Cf. W. Seston in *Byzantion* X, 478-79: "Il est bien certain que le titre de *D(ominus) N(oster)* ne serait pas donné à cette date. ... Quoi qu'il en soit, la *inter imperatores* fut de courte durée".

²⁰ In his article "Der Münzfund von Ankara (270-310 n. Chr.)" (*Jahrbuch der Numismatik* 12 (1962), 65ff.) Dietmar Kienast has apparently offered an argument in support of this understanding. It is based on a large collection of coins – 576 *antoniani* and 309 *folles* – from the time between Aurelian and Constantine. They had been buried near Ankara. Kienast writes: "Da nun der Fund bereits eine Münze des Maximinus mit dem Augustustitel enthält, wären für seine Vergrabung zwei Anlässe denkbar: Der Einmarsch des Maximinus in Kleinasien 311 oder die Besetzung der Halbinsel durch Licinius 313. Die geringe Zahl der Münzen von Licinius und von Constantin schliesst ein noch späteres Vergrabungsdatum von vornherein aus. Aber auch das Jahr 313 wird man als Schlussdatum auszuschließen haben, da der Fund nur eine Münze enthält, auf der Maximinus den Augustustitel trägt. Wäre der Fund erst 313 dem Boden anvertraut worden, müsste man jedenfalls mehr Stücke des Maximinus als Augustus erwarten. Auch wären nur 3 Münzen des Licinius für die Zeit von 308 bis 313 auffallend wenig. - - Der Fund wurde demnach wohl 311 beim Herannahen der Truppen des Maximinus verborgen. Dass es sich um die Geldansammlung eines Privatmannes handeln muss, zeigt ein Blick auf die sehr bunte Zusammensetzung des Fundes. Die Vergrabung dieser Münzen damit erklären zu wollen, dass die den staatlichen Steuerorganen entzogen werden sollten, empfiehlt sich in diesem Falle kaum, da Lactantius ausdrücklich berichtet: *Maximinus ... ingressus ... Bithyniam, quo sibi a praesens favorem conciliaret, cum magna omnium laetitia sustulit censum*. Offenbar galt dieser Steuererlass nicht bloss für

Even if we disregard the question of a concentration of troops and a confrontation at the Strait of Hellespont, purely chronological reasons make it difficult to imagine that negotiations occurred before 9 June and led to an agreement on the distribution of the late Galerius' possessions – according to all scholars this was the central point in the negotiations. Here, too, the problems evaporate as soon as we accept that there must have been a clear agreement that Galerius' possessions were to be divided so that Licinius took over the Balkans while Maximinus was given Asia Minor. As we have said before, it is natural to assume that such an arrangement was made at the same time that Galerius made Maximinus and Constantine *augusti* alongside Licinius.

If we assume that at the time of Galerius' death there was a clear agreement on the division of Galerius' territories and army units,²¹ we understand why Licinius moved into Serdica immediately and made it his headquarters. In fact, Lactantius only states that Maximinus hastened to Nicomedia, Diocletian's former city of residence, to assume control of the provinces in Asia Minor.²² Lactantius' report does not even state that Maximinus

Bithynien, sondern für ganz Kleinasien" (p. 66). From a critical perspective the composition of the find can only give us an approximate date for their burial – and Kienast has established that in an excellent fashion. The coins offer no information as to the time of their burial. If the written sources allow us to conclude that Maximinus had established his military control over Asia Minor, then Kienast's understanding must be considered a hypothesis that carries some probability – but no more. The material that forms the basis of his argument is more than problematic, so obviously it must fall. It would be much more reasonable to assume that the coins were buried to conceal them from the tax authorities. Lactantius' note cannot be used in support, as Kienast does, because it is so general that it is practically misleading, see below this chapter at note 50. It is really only safe to conclude that we cannot supply a satisfactory answer to the question why the Ankara coins were hidden away.

²¹ The territorial division has presumably implied a division of Galerius' troops between Maximinus and Licinius.

²² J. Moreau comments on the sentence: *Maximinus ... dispositis ab Oriente cursibus peruolauit* (*De mort.* XXXVI,1): "Pour s'assurer la possession de la partie de l'Empire laissée vacante par la mort de Galère, Daïa devait, en effet, agir avec rapidité pour prévenir Licinius. Daïa ne pouvait cependant pas utiliser le *cursus publicus*, puisqu'il devait nécessairement, en prévision de la guerre possible, amener des troupes avec lui (cf. *armati*). C'est pourquoi il organisa un service de relais de chevaux et de bêtes de somme à travers l'Asie Mineure, qu'il devait traverser dans sa plus grande longueur (Cf. XLV,2: *mansionibus geminatis in Bithyniam concurrit*)" (*Commentaire* 397). In relation to the last reference we should note that unlike *cap.* XXXVI,1, it refers specifically to the movement of troops. Later in *cap.* XXXVI *armati* may not necessarily refer to troops transferred from Syria; it may well denote those sections of Galerius' troops that were given to Maximinus. Finally, we must note that there is no mention of *cursus*

nus bought troops with him and carried out a military occupation of Asia Minor.²³ If it was really important for Maximinus to pre-empt Licinius and occupy as many of Galerius' territories as possible,²⁴ it is difficult to understand why he stopped at *fretum Chalcedonium* rather than continue his campaign by landing troops in Thrace as he did later in 313.

This difficulty also disappears, however, as soon as we accept that Maximinus merely took possession of Galerius' provinces in Asia Minor in accordance with the existing agreement. Similarly, Licinius had no rush to reach the Strait of Hellespont in order to seize Asia Minor, for the simple reason that it did not belong to him. He could settle quietly in Serdica just as the Brigetio inscriptions show that he did. In other words: both Maximinus and Licinius had honoured the agreement on the distribution of Galerius' territories.

Lactantius certainly wished to give his readers the impression that Maximinus pre-empted Licinius by occupying Asia Minor, to which he had no rightful claim. This version, however, must date from a time after Licinius' defeat of Maximinus in the spring of 313 and his capture of Asia Minor. By then it was important to prove that Maximinus had seized Asia Minor unlawfully so that Licinius would not appear as a usurper that had attacked Maximinus' legitimate possessions. It was essential for Licinius in all respects to appear as Galerius' legitimate heir. This was the only way for him to consolidate his control over Maximinus' former possessions. Lactantius gives us the official version, but its many factual absurdities show that it cannot completely hide the reality that Maximinus and Licinius divided the late Galerius' territories between them in a peaceful fashion according to an existing agreement.

publicus, only of *cursus* which may just mean route or day's march. These *cursus* were *dispositi*, but that may just mean that Maximinus' itinerary had been well prepared. He may have travelled on *cursus publicus* – we just do not know. Overall, we have very little specific knowledge of *cursus publicus* in general and in Asia Minor in particular, so we cannot assess speed and capacity in relation to both passengers and cargo.

²³ Lactantius' use of the phrase *provincias occuparet* makes it obvious to perceive Maximinus' action as a military occupation, even though the word may only mean: take into possession. When Lactantius says that Maximinus *omnia sibi usque ad fretum vindicaret*, it may just mean that he took over the territories on which he had a claim. The passage may well not discuss any illegitimate conquest.

²⁴ This is the understanding Lactantius invites with the phrase *Licinio morante*: Maximinus was too fast for him and anticipated him when he occupied Asia Minor.

Lactantius says that when he arrived in Bithynia, Maximinus had cancelled a *census* in order to become popular – which he achieved.²⁵ This must mean that Maximinus, probably from Nicomedia, issued a law that decreed tax exemption. No more can be gleaned from Lactantius' information. It seems highly unlikely that everybody in the cities and in the country was exempt from all taxes – although Lactantius in fact says just that. On the other hand his note obviously contradicts that picture he paints elsewhere of Maximinus' tax policies as pure extortion of the population, and together with the fact that Lactantius feels forced to mention Maximinus' popularity, it suggests that his note must have a historical basis.

Otto Seeck has argued that the basis of Lactantius' information consists of a law identical to the one we know as *Cod. Theod.* XIII, 10, 2. It is addressed to the procurator (*praeses*) of Lycia and Pamphylia and decrees that the city population (*plebs urbana*) must be exempt from the taxes levied since the rule of Diocletian, so that they now have the same condition that have always applied to the urban population in *Orientalis provinciae*.²⁶

Nothing in the law prevents it from having validity outside the two provinces mentioned. According to the extant version, the law was given by Constantine on 1 June 313. This cannot be the case, however, as the law itself clearly states that it was issued while Diocletian was still alive²⁷ – and Constantine only took possession of the provinces in Asia Minor in 324. Therefore, the law must have been given by either Maximinus or Licinius.²⁸ For chronological reasons, according to Seeck, Licinius could not possibly have issued the law.²⁹ Therefore, Maximinus is its only author³⁰

²⁵ See *De mort.* XXXVI,1.

²⁶ *Cod. Theod.* XIII,10,2 reads: *Idem A(ugustus) [Constantinus] ad Eusebium V P Praesidem Lyciae et Pamphylliae. Plebs urbana sicut in Orientalibus quoque provinciis observatur, minime in censibus pro capitatione sua conveniatur, sed iuxta hanc iussio- nem nostram immunis habeatur, sicut etiam sub domino et parente nostro Diocletiano seniore A(ugusto) eadem plebs urbana immunis fuerat. Dat. Kal. Iun. Constantino A. III et Licinio III cons(ulibus).*

²⁷ The law refers to Diocletian as *senior augustus*, not as *divus*, so it must have been issued before Diocletian's death which occurred no later than 316.

²⁸ Cf. O. Seeck, *Regesten der Kaiser und Päpste für die Jahre 311 bis 476 n.Chr.* (1919), 52 which states that the law "nur aus Versehen in den Codex aufgenommen ist. Denn nach ihrem [Maximinus oder Licinius] Sturze waren ihre Verfügungen für nichtig erklärt. Aber da die Originale derselben alle die Überschrift: *Imppp. Maximinus, Constantius et Licinius AAA*, trugen, genau wie die echten Erlasse Constantins, waren solche Irrtümer kaum zu vermeiden".

²⁹ Cf. O. Seeck: *Regesten*, 52: "Doch 313 kann das Gesetz nicht gegeben sein. Denn erst am 30. April dieses Jahres hatte Licinius in Thrakien den Maximinus geschlagen

and that is confirmed by Lactantius. Consequently, the date of issue is 1 June 311.

Henri Grégoire has objected to Seeck's argument.³¹ His essential reason for not ascribing the *census* law to Maximinus is that he could not possibly have been in Nicomedia on 1 June 311, and he refers to Lawlor's chronology as proof.³² Therefore the law must have originated with Licinius who had entered Nicomedia in early May 313.³³ Grégoire does not deny that Maximinus issued a law on tax freedom, but it was a purely temporary arrangement – moreover, it was valid only in Bithynia, and maybe only in Nicomedia proper. It had no connection to *Cod. Theod.* XIII, 10, 2 which is quite correctly dated 1 June 313.

Although much suggests that Maximinus was responsible for the *census* law, this understanding depends entirely on whether Maximinus arrived in Nicomedia no later than 1 June 311.³⁴ If we accept Lactantius' account, like Seeck and Grégoire, we must agree fully with Grégoire that Maximinus could not possibly have reached Nicomedia by 1 June.³⁵ Conditions change

und kann sich daher am 1. Juni der weit entlegenen lykischen Provinz noch nicht bemächtigt habe".

³⁰ H. Castritius has supported Seeck's understanding by pointing out quite rightly that a reference to *dominus and parens noster Diocletianus* is much more likely to originate from Maximinus than from Licinius, see *Studien zu Maximinus Daia*, 14ff. Castritius is also correct in pointing out that the reference in the law to *Orientalis provinciae* makes sense only if it was issued by a ruler that controlled those provinces – and that leaves only Maximinus: "Würde man hingegen ... an Licinius als dem Urheber des Gesetzes festhalten, so müsste man annehmen, dieser hätte sich die steuerliche Situation des Herrschaftsbereiches seines Feindes Maximinus Daia zum Vorbild genommen und dies, was noch unmöglicher ist, auch noch öffentlich, d.h. in unserem Zensusgesetz bekannt. Man müsste dem Licinius jeglicher politische Einsicht und jedes politische Kalkül absprechen, wollte man ihm unterstellen, dass er zum Zeitpunkt seines Entscheidungskampfes mit Maximinus eine derartige politische Unklugheit begangen hätte" (pp. 19-20).

³¹ See *Byzantion* XIII (1938), 551ff. ("About Licinius' Fiscal and Religious Policy").

³² Cf above at note 9.

³³ Cf. *De mort.* XLVIII,1: *Licinius uero ... exercitum in Bithyniam paucis post pugnam [30 April] diebus et Nicomediam ingressus*

³⁴ Cf. H. Castritius, *Studien zu Maximinus Daia*, 22: "In der Forschungsdiskussion des gesamten von uns behandelten Problems wurde dem Gesichtspunkt der Anwesenheit, sei es des Maximinus, sei es des Licinius in Nikomedeia für Zuweisung und Datierung des Zensusgesetzes eine ausschlaggebende Rolle eingeräumt".

³⁵ Castritius attempted to avoid this dilemma in this argument: "Dagegen muss aber mit allem Nachdruck darauf hingewiesen werden, dass wir keinerlei Anhaltspunkte dafür besitzen, dass das Zensusgesetz in Nikomedeia ausgestellt würde. Vielmehr kam es von Maximinus ... durchaus schon in Tarsos oder auf dem Wege nach dem Bosphoros

radically, however, when we have made it clear that Asia Minor was given to Maximinus according to an existing agreement. As a result, he and his Imperial household could move to Nicomedia immediately and settle in the city that was Diocletian's headquarters. Even if Maximinus learnt of Galerius' death only around the middle of May, he did not need a fortnight *dispositis cursibus* to reach Nicomedia. This explanation removes the decisive difficulty in ascribing the *census* law to Diocletian.

The law itself explains that during Diocletian's reign, *plebs urbana* was not taxed because of *capitatio*, an index of people based on *caput* as a unit of valuation.³⁶ The rural population, *plebs rustica*, on the other hand had to pay a personal tax based on a careful registration of all free men and slaves. In 306, when Galerius became *maximus augustus*, he carried out a new *census* which involved registration of all individuals, free men and slaves, in rural and urban areas.³⁷ This new registration no doubt provided Galerius with the basis for individual taxation of *plebs urbana*, i.e. people living in the cities and owning no rural property.³⁸ It was probably only introduced in Galerius' own territories in Asia Minor and the Balkans. The *census* law certainly shows that *plebs urbana* were exempt from personal taxes in *Orientalis provinciae*³⁹ managed by Maximinus.⁴⁰ The law decreed that the

im Hinblick auf die beabsichtigte und damals gerade bevorstehende Okkupation Kleinasiens erlassen worden sein“ (*ibid.*). Our solution to the problem makes it superfluous to argue against Castritius.

³⁶ The precise meaning of *caput* varied from region to region, see A.H.M. Jones in the article “*Capitatio* and *iugatio*” in *Journal of Roman Studies* XLVII (1957), 90ff.

³⁷ Cf. *De mort.* XXIII, 2: *Agri glebatim metiebantur, uites et arbores numerabantur, animalia omnis generis scribebantur, hominum capita notabantur, in ciuitatibus urbanae ac rusticae plebes adunatae, fora omnia gregibus familiarum referta, unus quisque cum liberis, cum seruis aderant.* See also above chapter II at note 123 and ff.

³⁸ The *census* law does not mention Galerius by name, probably because Maximinus wanted to avoid anything that could look like a public disavowal of him – all the more so because he saw himself and wanted to be perceived as Galerius' legitimate heir.

³⁹ *Orientalis provinciae* usually refers to the eastern provinces as opposed to the western provinces in the Roman Empire. In the *census* law, the phrase cannot mean that but must denote the provinces that Maximinus ruled. Nor can it refer to *dioecesis Orientis* which included Syria, Palestine, and Egypt because no common system of taxation existed there. During his last years in power, Diocletian introduced a personal tax for the urban population in Egypt and that was retained under Maximinus, see chapter II at note 129 and f., so *orientales provinciae* can only mean Syria and Palestine. It must have seemed natural to use the expression even if it referred only to these areas, because everyone knew that Egypt had a special status within the Imperial provincial administration.

⁴⁰ Hence the *census* law gives us that very valuable piece of information that individual rulers were free to introduce the tax system of their choice in their respective areas.

urban population was to be exempted from the personal tax levied by Galerius, and that led to the introduction of a unified fiscal system, the one that had been in operation in *Orientalis provinciae* under Diocletian.

When compared to the extant *census* law, Lactantius' note clearly proves inadequate, even misleading – tax exemption was certainly not introduced for the entire population.⁴¹ But Lactantius is right in linking the tax exemption to Maximinus' arrival in Nicomedia. In fact, he implies that Maximinus' *ingressus* into the city that used to be Diocletian's seat was accompanied by the *liberalitas* customary on such solemn occasions, and in this case it meant that *plebs urbana* was free of the individual tax introduced by Galerius.⁴²

In the law itself, Maximinus states that he wants to reintroduce the conditions that existed *sub domino et parente nostro Diocletiano*, and that declaration of intent probably reaches beyond fiscal policy. We have seen that it was essential for Maximinus to help the cities prosper so that they could become the solid basis for the administrative and economic life of the Empire.⁴³ In that context, it is not unreasonable to assume that Maximinus wanted to use the tax exemption to strengthen the financial position of the cities so that they could handle the tasks he had in mind for them. Maximinus' *census* law decreed complete exemption for the urban population from the personal tax levied by Galerius, and it is reasonable to conclude that the law was designed for all the territories that Galerius had ruled.⁴⁴ In other words, the law was intended also for those of Galerius'

This was no doubt dictated by practical necessity because so many different tax systems existed within the Roman Empire that fiscal uniformity must have been a long-term project.

⁴¹ O. Seeck adds *plebis urbanae* to Lactantius' *sustulit censum* for this reason: "Dass der Census ganz aufgehoben wurde, ist unmöglich, weil ohne die Naturalsteuern, die auf ihm beruhten, das Reich und namentlich das Heer des Maximinus gar nicht hätte bestehen können. Man wird daher auch hier eine der Lücken, die diese wichtige kleine Schrift in solcher Menge entstellen, anzunehmen haben" (*Regesten*, 53). Seeck's emendation is tempting but must be rejected as arbitrary. Lactantius' note is so imprecise that we can only note the fact and leave the text as it is!

⁴² At the same time, Maximinus probably also used the law to introduce, in a gradual fashion, unified fiscal conditions in the provinces under his administration. Egypt was allowed, though, to retain her own tax system for the time being, cf. chapter II at note 150.

⁴³ For more details, see chapter II at note 98 and ff.

⁴⁴ When issuing a law valid also in provinces other than his own, Maximinus must have laid claim as *maximus augustus* to the supreme legislative authority of the Empire. O. Seeck has very perceptively observed that the *census* law carries as its heading *Imppp Maximinus, Constantinus et Licinius A A A*, see *Regesten*, 52.

possessions that had been given to Licinius. The *sacrae litterae* of the Brigetio tablet was issued almost at the same time as the *census* law and it even agrees with the law in that it grants tax reductions according to a graded scale for both active servicemen and veterans. It raises the question whether this similarity was coincidental or the two laws represent a planned coordination.⁴⁵

The law inscribed on the Brigetio tablet decreed that its contents should be engraved on copper tablets to be exhibited in the flag temple of every *castrum*, *quo ta(m) legionarii milites, quam etiam equites in vexillationibus constituti Inlyriciani, sicuti similis laboris militiae suae sustinent, ita etiam provisionis nostrae similibus conmodis perfruantur*. By relating *illyriciani* to both *milites* and *equites* it has been believed that the law was valid only for the troops deployed in Illyricum, i.e. the areas south of the Danube that belonged to Licinius.⁴⁶ As the law was issued in Serdica, no one has had any reservations about ascribing it to him.⁴⁷ However, Denis van Berchem has pointed out that *illyriciani* must not be understood geographically to say that the law applied only to the *legiones* and *vexillationes* stationed in Illyricum. *Equites illyriciani* is, in fact, a set phrase denoting the cavalry – so it says nothing about the ethnic and geographical origins of the cavalrymen.⁴⁸ Consequently, the law must apply to all legionnaires and cavalrymen of the elite troops of the army.⁴⁹

⁴⁵ É. Paulovics pointed to such a connection, see *op.cit.*, 44.

⁴⁶ Cf. É. Paulovics, *op.cit.*, 45: “Constantin et (disons) Licinius aussi, par la loi conserve sur la table en bronze ... tâchaient de gagner les troupes d’Illyrie” and W. Seston in *Byzantion* XII (1937), 477: “Ce rescrit impérial ... est en fait une loi valable pour toute l’armée de l’Illyricum”.

⁴⁷ As we mentioned above, Seston showed that originally only Licinius’ name appeared on the edge of the Brigetio tablet, which is why he talks of “les privileges accordés par Licinius aux troupes illyriennes” (*Byzantion* XII (1937), 483).

⁴⁸ Cf. *L’armée de Dioclétien*, 81: “L’Illyricum n’existe, en droit public, qu’à dater de la création d’une préfecture du prétoire d’Illyrie, soit à partir de 356. De plus, appliqué à des légions, cette épithète serait tout à fait insolite; il n’y a pas plus de légions illyriennes, en langage administrative, qu’il n’y a de légions bretonnes, germaniques, africaines ou orientales. En revanche ... des *equites Illyriciani* ... sont ceux dont la *Notitia dignitatum* enregistre la présence tout le long de la frontière d’Orient. ... La présence de ses cavaliers en Orient montre que l’épithète d’*Illyriciani* a perdu sa signification ethnique originelle. ... elle désigne les corps de cavalerie créés par Gallien et qu’il faut soigneusement distinguer des anciennes ailes”.

⁴⁹ Cf. *ibid.*: “Le rescrit conservé par la Table de Brigetio intéresse donc toutes les légions, et toutes les vexillations de cavalerie, soit tous les militaires appartenant à la classe supérieure de l’armée; il ignore la classe inférieure des ailes et des cohortes”.

Licinius cannot be the author of the law if it applies to the entire Roman Empire. It must have been issued by Maximinus as *maximus augustus*. He has sent it to Constantine and Licinius as his fellow *augusti* for further publication. The Brigetio find shows us that Licinius' office has dispatched the law in the name of the three emperors to the individual *castra* within his area of authority.

The law must be seen as an expression of Maximinus' *liberalitas* towards the army. He states that the existence and prosperity of the Roman Empire rest on the work and toil of the soldiers.⁵⁰ Therefore the emperors' highest wish and will must be to return their loyalty and reward their efforts by giving them the best possible conditions.⁵¹ The soldiers must be granted tax privileges and every soldier will have the right to receive an official diploma at a *honesta missio* as proof of their completed service. The law was a gesture towards the troops of the Roman Empire from the new *maximus augustus* but it certainly also served the very specific purpose of ensuring that the soldiers were not disadvantaged when the urban population was exempt from personal tax.

In spite of the *rescissio actorum* that affected Maximinus' legislation after his death, we have these two extant tax laws that he issued as *maximinus augustus*. They date from the same period and are connected in the sense that they were designed to ease the tax burden for the army and the urban population. And this is no coincidence! By taking care of the army, whose loyalty and skills were essential to the survival of the Roman Empire, and by furthering an independent municipal life Maximinus showed, as the supreme emperor of the state, that it was essential to him to continue Diocletian's policy. There was good reason, then, for Maximinus to refer in the *census* law to *dominus et parens noster Diocletianus*.

2. Maximinus' consolidation as maximus augustus

There is no reason to doubt Lactantius when he states that Maximinus and Licinius closed a pact of friendship. It cannot be an invention because in reality it was far from flattering for Licinius that he, who was Constantine's ally and even supposed to be Christian, had entered into an alliance with Maximinus, the tyrant who had attempted more vigorously than anybody

⁵⁰ The law reads: ... *intuentes labores eorundem militum nostrum, quos pro reipublicae statu et commodis, adsiduis discursibus sustinent*

⁵¹ The law offers this passage: *Cum in omnibus, pro devotione ac laboribus suis, militum nostrorum commodis adque utilitatibus semper consultum esse cupiamus*

else to eliminate the church and Christianity. Lactantius' information was even confirmed by Eusebius when he let slip the comment that a pact had been established between Maximinus and Licinius.⁵² The words Lactantius chose to describe the closing of the pact⁵³ also clearly indicate that this was an important political event that could not be ignored.

According to Lactantius the background to this pact of friendship was a *discordia* that almost ended in open war.⁵⁴ Lactantius' firm emphasis of the peace made between Maximinus and Licinius must presuppose that very severe disagreement had existed between them. Lactantius does hint that the conflict arose because Maximinus had seized Asia Minor to which Licinius had a legal right, but as we have already shown this must be rejected as a later construction. Therefore we must look for another cause of their disagreement.

We have seen that both the *census* law and the law on soldiers' tax privileges must have been issued by Maximinus as *maximus augustus* so that they were also designed to apply in Licinius' area of government. It is remarkable that Lactantius only mentions Maximinus' and Licinius' *discordia* after his account of Maximinus' *ingressus* into Nicomedia and his issue of the *census* law. This could suggest that the disagreement between them concerned the question whether Maximinus had the right to legislate for the other emperors or each one of them had the legislative authority in his own territories.

There is every reason to view with scepticism Lactantius' information that Licinius and Maximinus had deployed troops on both sides of the Strait of Hellespont for the purpose of an armed conflict. In the years after 308, Licinius had failed to develop the military strength necessary to invade Italy and defeat Maxentius, so it is hard to imagine that he would have so many troops at his disposal that he could think of an armed confrontation with Maximinus. At best, he could only move a limited number of soldiers from the Danube front and the areas bordering on Maxentius if he was to avoid weakening his border defences to an alarming extent – and we know from later events that Licinius was a cautious man who had

⁵² Cf. *h.e.* IX, 10, 2: συνθήκας ἄς πρὸς Λικίνιον πεποίητο παρασπονδήσας ... Here, too, there is less reason to doubt the information because it ruins Eusebius' portrait of Licinius as God's adorer and Maximinus as the superstitious tyrant.

⁵³ Cf. *De mort.* XXXVI, 2: *pax et amicitia componitur et in ipso fretu foedus fit ac dexteræ copulantur.*

⁵⁴ Eusebius offers no comments on the background for the closing of the pact of friendship between Maximinus and Licinius.

no wish to involve himself in battles whose outcome was uncertain.⁵⁵ Moreover, we have shown that Maximinus and Licinius probably divided Galerius' army between them, and it seems doubtful whether the troops could be made to fight each other on behalf of either Maximinus or Licinius.⁵⁶ It would also be strange that the two emperors considered starting a civil war instead of consolidating their rule in the sections of Galerius' territories that they had each received. Finally, it must be considered politically foolish of Licinius if he had initiated an armed conflict with Maximinus. There would then be a real risk that Constantine would join up with Maximinus immediately in the certain expectation that he would become the new *augustus* of the West when he had participated in the annihilation of Licinius.

For these reasons it must be regarded as more than doubtful whether Maximinus and Licinius had sent troops to the Strait of Hellespont for the purposes of armed conflict. More likely, the two emperors had simply had a conference to discuss all questions of importance to the Empire. The direct cause may well have been dissatisfaction with the powers that Maximinus claimed in his capacity of *maximus augustus*. But in all other respects it was in the interests of both emperors to come together at the conference table. Since 308 Licinius had been in conflict not just with Maxentius but also with Constantine over rule of the West, his political future depended completely on his cooperation with Maximinus. He must have had a vital interest in reaching an understanding with him. Conversely, Maximinus could only be interested in strengthening his connection with Licinius. To the extent that they supported each other the policy of *détente* begun by the three *augusti* even before Galerius' death could continue along with their cooperation to secure peace and order in the Roman Empire.

We know nothing of the negotiations except that *pax* and *amicitia* were made on *condiciones certae* and that the pact was solemnly closed probably on a boat in the Strait of Hellespont itself. But it seems as if Lactantius is very careful to avoid explaining the concrete conditions of the pact. His reticence can really only be caused by the conditions which must have been of a kind that could compromise Licinius' later reputation as the god

⁵⁵ We see this in connection with the military confrontation between Maximinus and Licinius at *Campus Ergenus*, see *De mort.* XLV,7-8.

⁵⁶ If it came to a clash Licinius must even expect those of Galerius' troops that he had been given would defect to Maximinus as Galerius' wife Valeria and his son Candianus had sought protection from him and thus openly shown that they regarded Maximinus as the late emperor's heir.

fearing emperor who defeated the godless tyrant Maximinus.⁵⁷ Therefore, we can only say that the establishment of the pact of friendship between the two emperors must have presupposed that possible disagreements were settled and that agreement was reached on all significant questions regarding the Roman Empire and its rule.

We have seen that the principle of seniority and thus the right to succeed Galerius as *maximus augustus* formed the basis of much conflict after the Carnuntum conference in 308. We said that the question was settled in 310 when Galerius made Maximinus and Constantine *augusti* and Licinius' equals – that re-established the validity of the principle of seniority. The Brigetio tablet shows that the principle was respected after Galerius' death because here Licinius acknowledged Maximinus and followed what was in effect his consular appointment – in other words, he had accepted him as *maximus augustus*. The negotiations at the Strait of Hellespont probably just involved ratification of this order with the specific ranking of Maximinus, Constantine and Licinius⁵⁸ – the order remained unchanged until Constantine defeated Maxentius on 28 October 312.

We have suggested that Maximinus' legislative rights for the entire Empire may have been challenged by Licinius. If he fought for the right to legislate within his own provinces, his efforts did not meet with success. It remained the case that the man possessing *primi nominis titulus* had supreme legislative powers just as he was entitled to appoint consuls.⁵⁹

Licinius, then, was forced to accept Maximinus' established rights as *maximus augustus*. He also had to recognize Constantine's right to second place in the Imperial ranking order. He was probably also required to acknowledge Constantine's continued control of Spain.⁶⁰ In return, Licinius'

⁵⁷ The same motives no doubt moved Eusebius to mention the pact between Maximinus and Licinius but say nothing of its contents.

⁵⁸ This is clear from the following phrase: *pro salutem (dd.) nn. Maximini et (Constantini et Licinii (se)mper Augg.*, which we find in an inscription (ILS No. 664) dated 27 June 311. It was written by *dux Norici et Pannoniae superioris* and as it was found near Prüfting in what was then Noricum belonging to Licinius, there is further proof that he had accepted the Imperial ranking based on the principle of seniority.

⁵⁹ This principle from the tetrarchy headed by Diocletian retained its validity which became clear when the Senate in Rome openly disavowed Maximinus by granting Constantine *primi nominis titulus*, see *De mort.* XLIV,11. This meant that he immediately ordered Maximinus to stop any form of persecution and harassment of the Christian, and he appointed new consuls for the year 313, cf. below chapter V section 4 (“Litterae Constantini”).

⁶⁰ Constantine also acknowledged Maximinus as *maximus augustus*, and that suggests that he did not see the pact of friendships between Maximinus and Licinius as an infringement of his rights as he perceived them. It must mean that he was given

rights were affirmed to the areas that Maxentius still ruled: Italy and North Africa – and the latter was still disavowed as a usurper.

Scholars have apparently agreed completely that Maximinus and Licinius only pretended to make peace and declare friendship. They had no choice, so the argument goes, because they were not ready for an armed confrontation, but as soon as they had equipped themselves for the purpose, they intended to break the alliance.⁶¹ Nothing supports such an understanding – it is a quite uncritical continuation of Lactantius' accounts. He does not even hint that Maximinus and Licinius had entered into the alliance just for show. That is the reason why at a later stage, Lactantius could blame Maximinus for breaking the pact of friendship he had made with Licinius.⁶² Both Maximinus and Licinius were convinced that their pact had established lasting peace and friendship, and that is clear from the fact that neither emperor deployed troops of any significance at the Strait of Hellespont. In the spring of 313, when Maximinus decided to attack Licinius, he had no large divisions in Asia Minor but had to move an army up from Syria. He had no trouble sending it across the Strait of Hellespont for the simple reason that Licinius had fairly few troops stationed on the European side of the strait. The pact of friendship had made the two emperors feel so safe and secure that they did not find it necessary to fortify their shared borders.⁶³

Lactantius' account of the sequence of events must mean that the Imperial conference took place after the issue of the *census* law on 1 June 311.

continued rights to rule Spain though the area originally belonged to Maxentius and therefore *de jure* should go to Licinius.

⁶¹ Cf. O. Seeck: *Untergang der Antiken Welt* I, 114: "Aber jeder scheute die Gefahr des Überganges, und zum Schlusse wurde ein Vertrag auf Grund des tatsächlichen Besitzstandes geschlossen, den keiner der Kontrahenten dauernd zu halten gedachte". J. Moreau: *Commentaire*, 400 offers the same assessment in virtually identical words, and H. Feld writes: „Dieser Friede zwischen beiden Kaisern war kein echter Friede, der die berechtigten Wünsche eines jeden von ihnen befriedigt hätte. Es war ein "fauler Friede", der bei der nächsten günstigen Gelegenheit gebrochen wurde" (*Der Kaiser Licinius*, 82-83). E. Paulovics offers a variation on the theme when writing that the closing of the pact did not as intended mean "la création d'une atmosphere de paix et d'ordre general. ... Il n'y avait pas non plus d'accord entre Licinius et Maximinus. Les empereurs s'observaient mutuellement avec méfiance et cherchaient des alliées pour rétablir l'équilibre ou bien ils suivaient de l'oeil les mouvements des neutres" (*La Table de Privilèges de Brigetio*, 44).

⁶² See *De mort.* XLIII,2. In *h.e.* IX,10,2 Eusebius accuses Maximinus of breaking his pact with Licinius on the same assumption that the alliance was meant seriously.

⁶³ It is therefore misleading to talk of "a *de facto* frontier between two emperors in a state of armed truce" (*Roman Imperial Coinage* VI, 33).

It probably happened during the summer. After its conclusion, Lactantius reports on Maximinus: *Redit ille securus et fit qualis in Syria et in Aegypto fuit.*⁶⁴ In other words he returned with a feeling of safety and security to Nicomedia to devote his energies to the administration of Asia Minor, Syria and Egypt.

There was very good reason why Maximinus would feel safe and take up residence as a new Diocletian in the city that used to be his seat. He was without question the most powerful man in the Empire. He had been acknowledged by Licinius as *maximus augustus* and had even closed a pact of friendship which at the very least must have removed any disagreements between them. But Maximinus also seems to have taken care to ensure that the pact was not seen as a disavowal of Constantine. Therefore Constantine was to remain in second position in the Imperial ranking after Maximinus but before Licinius. Moreover, as we said above, Constantine seems to have been allowed to keep Spain within his area of authority.

The degree to which Maximinus strove to create a harmonious relationship among the emperors comes across clearly from his appointment of Constantine and Licinius as consuls for the year 312.⁶⁵ This attitude was an unequivocal declaration that Constantine's previous political scheming had been forgotten. It worked. Constantine recognized Maximinus as *maximus augustus* and followed his consular appointments. Maximinus had managed to establish an Imperial triarchy under his leadership – and when Licinius had removed Maxentius and seized the areas that he had occupied, peace and order would have been definitively re-established in the Roman Empire. Maximinus had every reason to feel *securus*.⁶⁶

⁶⁴ *De mort.* XXXVI,3.

⁶⁵ A. Degrassi, *I Fasti Consolari*, 78.

⁶⁶ The explanations given above show that there is no basis for giving Constantine a central political role in the events that followed Galerius' death. W. Seston suggests such a role: "Il n'est pas interdit d'imaginer qu'en Mai 311 [when Licinius made peace with Maximinus] Constantin a donné à son allié des conseils de moderation. Il avait intérêt, en effet, à éviter à tout prix une alliance de Maxence et de Maximin, qui eût contraint Licinius à se défendre en Orient, tandis qu'en Italie les forces du "tyran" de Rome placées en surveillance en face d'Aquilée, et libérées de la menace illyriennes, auraient pu écraser sous le nombre l'armée descendue des Gaules. Aussi Constantin se ménagea-t-il la neutralité de Maximin. ... il n'eut que des égards pour Maximin; les deux empereurs alliés lui reconnurent de bonne grace le rang de premier Auguste auquel avait droit le dernier survivant de la tétrarchie de 305 Ainsi, dans les mois qui suivent le mort de Galère, l'activité diplomatique et l'action militaire sont conduites par l'empereur des Gaules. Constantin est vraiment le seul à mener le jeu" (*Byzantion*, XII (1937), 480-81). More specifically Seston makes the decisive mistake of not separating clearly the events following Galerius' death and the political intrigues that Constantine

3. Maximinus and the Galerius edict

The Galerius edict had granted the Christians freedom of worship and assembly which cancelled the entire previous legislation against the Christians in the Roman state. Lactantius tells us that the edict was implemented in all the areas belonging to the legitimate rulers – including the provinces controlled by Maximinus.⁶⁷ In Eusebius' account of the Palestinian martyrs there is also no doubt that all the emperors supported the legislation that had given religious freedom to the Christians.⁶⁸ We, however, find a different picture in *h.e.* IX, 1, 1-11. Here it is said that Maximinus was very dissatisfied with the Galerius edict and deliberately failed to publish it. Instead he just told his officers orally to stop the persecution. They passed on the Imperial order, but the local authorities misunderstood Maximinus' intentions and released all Christians. As proof of the emperor's duplicity towards the Christians, Eusebius reproduced a document written by the *praefectus praetorio* Sabinus to the provincial procurators.

A critical analysis of the section of his church history in which Eusebius presents this reading shows that the text as it stands has undergone several revisions. They consisted of Eusebius' insertion of new material and new additional points of view into an existing account. These insertions can often be separated quite decisively and so we can construct the history of the development of the Eusebian text.⁶⁹ In this context, however, it is crucial that it allows us to document Maximinus' reaction to the Galerius edict as having been quite different from the portrait given by Eusebius in his church history.

The original account behind *lib.* IX,1,1-11 dates from the time between the appearance of the palinode in April 311 and November 311 when Maximinus again took measures to tighten his grip on the church. It was probably written during the summer of 311 because Eusebius presupposes that the Christian congregations had already resumed their services, that they had started to address the problem of the apostates and that the

initiate on his own probably towards the end of the year 311, see chapter V at note 16 and ff. In 311 one could only see Maxentius as *maximus augustus* by name and by deed with a firm grip on the political reins.

⁶⁷ *De mort.* XXXVI,3: *Imprimis indulgentiam christianis communi titulo datam tollit* can only mean, from the context in Lactantius, that Maximinus implemented the Galerius edict in which all the emperors granted the Christians *indulgentia*.

⁶⁸ See *De mart. Pal.* 13,14.

⁶⁹ For the critical analysis of *h.e.* IX,1,1-11, see below *Appendix II*. It also includes the detailed arguments in support of this account of Maximinus' relationship to the Galerius edict.

emperors who had been persecutors quite unexpectedly had changed their minds and stopped the war against the Christians. Those who they had sent to the mines had been set free and were now returning home.⁷⁰ Eusebius' original account makes it perfectly clear that the persecution had stopped completely.⁷¹ The emperors are shown to act *in solidum*. Maximinus was also behind the laws and decrees that called a halt to the persecution of the Christians. He was prepared not only to give the Christians the right to exist, but in his provinces they also experienced complete freedom of worship and assembly. Because of this entirely new approach to the church, Christians could only regard Maximinus as a good and mild emperor.⁷²

According to Eusebius the emperors' palinode was expressed in προγράμματα καὶ διατάγματα.⁷³ It is taken for granted that they were brought to the attention of the people so that everybody knew that freedom of worship and freedom of assembly had been legally ensured for the Christians. Eusebius offers no information on the specific measures to achieve this. His wording suggests, though, that the palinode was not included in one particular legal document but was expressed in several laws and decrees.

In a later revision of the original account, however, Eusebius identifies the Galerius edict as the decree that contained the emperors' decision to grant religious freedom to the Christians.⁷⁴ It was published in Nicomedia,⁷⁵ which presumably means that it was announced all over Galerius' area of authority. It was not published in *dioicēsis Orientis* or in Egypt which were ruled by Maximinus.⁷⁶ We know that the Christians had acquired complete religious freedom here, so the question arises how the palinode was announced to the people in his provinces. The original version of *lib.* IX,1,1-11 offers no answer, but Eusebius provides information

⁷⁰ See *lib.* IX,1,8-11 which forms part of the original account.

⁷¹ See *lib.* VIII,16,1 which also forms part of the original account.

⁷² This is shown by *lib.* VIII,16,1 which states without any differentiation among them that the emperors παλινωδίαν ἤδον χρῆστοις περὶ ἡμῶν προγράμμασιν καὶ διατάγμασιν ἡμερωτάτοις ...

⁷³ Eusebius makes identical points in *h.e.* VIII,16,1 and *De mart. Pal.* 13,14 (K). The passage in the church history and the shorter version in the text on the martyrs both date from the summer of 311.

⁷⁴ Even though Eusebius termed the Galerius edict νόμος καὶ δόγμα βασιλικός it is clear that he did not regard it as the only legal document. There were good reasons, then, why he introduced his rendition of the Galerius edict in the following words: ἤπλωτο κατὰ πόλεις βασιλικά διατάγματα, τὴν παλινωδίαν τῶν καθ' ἡμᾶς τοῦτον περιέχοντα τὸν τρόπον (*h.e.* VIII,17,2).

⁷⁵ See *De mort.* XXXV,1.

⁷⁶ This is clear from *h.e.* IX,1,1 and it is the reason why Eusebius could accuse Maximinus of concealing the Galerius edict.

in the insertion that he probably added shortly after in his original account. He explains that the Imperial palinode was announced and implemented by officers of the Imperial administration at all levels down to the local authorities. Eusebius soon made this point even more specific by adding praetorian prefect Sabinus' address to the provincial governors,⁷⁷ a circular in which they were told to notify *curatores urbium*, *duumviri* and *praepositi pagi* in writing of the contents of the Imperial order so that they could implement it.

According to common administrative practice, the provincial governors could then either reproduce the Sabinus circular in its entirety in their letters to the individual cities or they could extract the central points and include them in a document created by themselves. The local authorities in individual cities could also decide for themselves the format they would use to announce the Imperial order to the people. The palinode, then, could be published in widely different forms. This is no doubt the reason why Eusebius could say that the emperors issued the palinode by *προγράμματα καὶ διατάγματα*. But it also follows that the contents, not the form, of the decree are essential. All the same, Eusebius chose to publish the Sabinus circular, maybe because it formed the model for the announcements from the local authorities of the Imperial palinode and in addition, it was an excellent authentic demonstration of the decisions that Maximinus had ordered his officers to implement.

The Sabinus circular itself begins with a statement that the emperors had long ago decided to exercise the greatest possible determination and fervour in leading their people into the right way of life. Therefore Christians, who pursued a *consuetudo* hostile to Rome, must also worship the immortal gods in appropriate fashion. They were so stubborn and obstinate, however, that they could not be dissuaded from their intentions either by the obvious truth of the Imperial order or fear of the punishment they risked by being insubordinate. Their behaviour had only brought them into a dangerous situation. The emperors were, however, quite alien to any thought of inflicting misfortunes on people, so they had ordered that anybody taking part in Christian worship should be freed from hardship and danger and no one was to be punished for their Christian faith.⁷⁸ The circular again em-

⁷⁷ The Sabinus circular was printed in *lib.* IX,1,3-6; the introductory and developing comments required mean that the insertion comprises all *cap* IX,1,2-7.

⁷⁸ The contents of the Imperial order are rendered briefly and concisely thus: εἴ τις τῶν Χριστιανῶν τοῦ ἰδίου ἔθνους τὴν θρησκείαν μετιῶν εὐρεθείη, τῆς κατ' αὐτοῦ ἐνοχλήσεως καὶ τοῦ κινδύνου αὐτὸν ἀποστήσειας καὶ μὴ τινα ἐκ ταύτης τῆς προσφάσεως τιμωρία κολαστέον νομίσειας ... (*lib.* IX,1,5).

phasizes the point that there was no other option in relation to the Christians because it had been obvious for a long time that nothing could be done about them.

From this analysis it should be clear that the Sabinus circular is based on the Galerius edict. It constitutes an original document but its argument and its concrete decrees do not in their substance deviate from its model. The Sabinus circular permits participation in the worship peculiar to *corpus christianorum*, and that means that the Christians have been granted freedom of worship and of assembly and it implies that they have the right to construct buildings for religious services. The decree also in effect canceled existing anti-Christian laws. It was made explicit in the order that all Christian prisoners must be set free immediately.⁷⁹

Although they were basically in agreement, some obvious differences exist between the Galerius edict and the Sabinus circular. Formally, the latter is much more stringent in its construction much clearer and linguistically much more direct. We should also note that the *indulgentia* granted to the Christians in the Galerius edict is given positive expression in the declaration that they have the right to exist as Christians, but in the Sabinus circular the phrasing is negative: they must not be harassed or punished. In essence, it makes no difference to the central point that the Christians are given the right to exist, but the negative phrasing is not accidental. It is no doubt related to the fact that the Sabinus circular does not order the Christians to pray to their god for the *salus* of the Roman emperors and the Roman state as did the Galerius edict. It means that the Christian god, in this context, was not included among the official gods of the Roman Empire, the gods that ensured *incolumitas* for *res publica*.

In spite of these differences, it is true without reservation that Maximinus conveyed the specific provisions of the Galerius edict through the Sabinus circular addressed to the provincial governors and local urban and rural authorities.⁸⁰ Eusebius is wrong in his last revision of *h.e.* IX, 1, 1-11 which accuses Maximinus of concealing the Galerius edict and ensuring that people were never told of its contents.⁸¹ Maximinus did not forward the Galerius edict but included its provisions in an independent document

⁷⁹ This is also implied by the Galerius edict in this passage: *ut denuo christiani et conuenticula sua componant.*

⁸⁰ Therefore, the Sabinus circular quite rightly states ἡ θειότης τῶν δεσποτῶν ἡμῶν τῶν δυνατωτάτων αὐτοκρατόρων ..., ἐκέλευσεν διὰ τῆς ἐμῆς καθοσιώσεως τῇ σῆ ἀγγινοίᾳ διαχαράξαι ... (*cap.* 1,5).

⁸¹ It was believed previously that the Sabinus circular was a denial of Eusebius' accusation against Maximinus. Therefore it was often excluded from the manuscripts. This is shown by the fact that it only exists in A T E R.

but that was no evasive action; it was, as we have said already, quite normal administrative procedure.

In his last revision of the relevant passage in his church history completed after Maximinus' death in 313, Eusebius hinted that Maximinus would have liked to see the Galerius edict destroyed but because this was impossible in relation to his superiors among the emperors, he concealed it.⁸² This is quite misleading. When Maximinus received Galerius' edict for publication in his provinces, Galerius was a dying man, and may in fact have already died. In any case, we may assume that the Sabinus circular was not completed and sent before Maximinus had received news of Galerius' death. But by that time Maximinus as the most senior emperor had become *maximus augustus* and was no longer obliged to follow Galerius' laws; he could issue the laws on religious policy that he deemed correct. All the same, he chose to give legal validity to the central provisions of the Galerius edict, and that must mean that he approved of them personally.

Our analysis of Maximinus' religious policy till 311 has shown him to be opposed to the use of violence in the attempts to make the Christian worship the immortal gods. However necessary it may have been to unite everybody in worship of the Roman gods, he could only approve of the decision to stop persecuting the Christians and let them practice their own worship without punishment. At the same time, though, Maximinus was very aware that the question of the Roman Empire and the church had not thereby found its solution. In the Sabinus circular he made it quite clear that the Christians were a nation or a people that followed a *consuetudo* that implied hostility towards the Roman Empire.⁸³ Their way of life showed stupidity and obstinacy that had prevented them from being led by a true and correct argument.⁸⁴ There was a considered plan behind the repeated emphasis that the Christians' attitude was an expression of stubborn defiance. Consequently, the Sabinus circular quite rightly did not repeat the order from the Galerius edict to the Christians that they should pray to their god for the Roman Empire and its emperors. To Maximinus an insoluble conflict existed between the Roman Empire and its gods and the

⁸² Cf IX,1,1: ἐπεὶ γὰρ αὐτῷ μὴ ἐξῆν ἄλλως τῆ τῶν κρειττόνων ἀντιλέγειν κρίσει, τὸν προεκτεθέντα νόμον ἐν παραβύστῳ θεῖς ...

⁸³ The Sabinus circular leaves no doubt as to the emperors' perception of the Christians when it states that they decided πάντων τῶν ἀνθρώπων τὰς διανοίας πρὸς τὴν ὀσίαν καὶ ὀρθὴν τοῦ ζῆν ὁδὸν περιαγαγεῖν ... ὅπως καὶ οἱ ἄλλοτρία Ῥωμαίων συνηθεία ἀκολουθεῖν δοκοῦντες τὰς ὀφειλομένας θρησκευτικὰς τοῖς ἀθανάτοις θεοῖς ἐπιτελοῦσιν (*lib.* IX,1,3).

⁸⁴ Cf. *lib.* IX,1,4: ἀλλ' ἢ τινῶν ἔνστασις καὶ τραχυτάτη βουλή εἰς τοσοῦτον περιέστη ὡς μήτε λογισμῶ δικαίῳ τῆς κελεύσεως δύνασθαι ἐκ τῆς ἰδίας προθέσεως ἀναχωρεῖν ...

Christian god that it would be impossible just to hint that he could ensure *salus rei publicae*.⁸⁵

The Sabinus circular, then, was a precise expression of Maximinus' reaction to the Galerius edict. It reflected his convictions on matters of religious policy as we saw them in the experiences of "the great persecution". Subsequent events will show that Maximinus was serious when he demanded that the Christians must not be molested in their worship. He had learnt that violence was definitely inappropriate and often counterproductive in relation to one's intentions. Therefore the Christians must be given freedom of worship and assembly. But it made it all the more important for the emperors to intensify the fight against Christianity on a spiritual level. Only by the powers of persuasion would paganism win over the Christians and destroy their faith and worship. To regenerate paganism and make it fit to accomplish that feat from now on more than ever had to be the guiding light in Maximinus' religious policy.

4. The fight against Christianity and the effort to regenerate paganism

When the emperors had granted the Christians freedom of worship and assembly the church immediately began to prosper. In spite of its losses it had survived intact through "the great persecution" and could gather congregations for its services as soon as they restarted. Moreover, there is no doubt that the determined resistance demonstrated by the vast majority of Christians had made an impression on the heathens. Many people had seen the Christians' unflinching rejection of the emperors' demands for sacrifice as proof of the powerful presence of the Christian god and had chosen to convert to Christianity. The church had shown its vitality and already experienced rapid expansion.⁸⁶

⁸⁵ On this point there may be a little truth in Eusebius' claim that the Sabinus circular was Maximinus' attempt to get around the Galerius edict. His pagan convictions made it impossible to accept the edict completely in its present form and that was the beginning of the Sabinus circular. We may characterize it, then, as a revision of the Galerius edict determined by Maximinus' perceptions. At the same time, we must add that the Sabinus circular grants precisely the same freedom of worship and assembly to the Christians as does the Galerius edict.

⁸⁶ See *h.e.* IX,I,8-11. Even though Eusebius draws a very general picture here of the situation for the church just after the issue of the palinode, it must be essentially accurate. Not only must the passage, as mentioned, have been written in the summer of 311; it also bears the unmistakable mark of first-hand experience.

This was more than Maximinus could bear, according to Eusebius. He supposedly began work, maybe as early as October 311, to revoke the Christians' freedom of religion.⁸⁷ If we ignore the motives that Eusebius ascribes to Maximinus,⁸⁸ he makes a good point. It probably took Maximinus entirely by surprise to see how fast the church could re-establish itself. He still regarded it as a harmful foreign body which must be destroyed for the sake of the Roman Empire and its people, so its prosperity could only serve to quicken deliberations on the best ways to destroy Christianity.⁸⁹ He had learnt, as we said, that nothing came of using violence and terror to try to force the Christians back to the worship of the gods of the Roman Empire. Ways had to be found without violating the decrees of the Sabinus circular to restrict the growth of the church and as part of the process to isolate the Christians within Roman society.

The first means that Maximinus used to reach this goal was to forbid the Christians to assemble at their places of burial. Eusebius carries this information as the only source and he states that a reason was given for this ban but he does not give any details.⁹⁰ There is hardly any doubt, though, that Maximinus wanted to stop the Christians gathering at their martyrs' graves. According to Christian thinking, the martyrs bore evidence of the power of Christ and his victory over the devil and his henchmen – including the hostile emperors that had persecuted the Christians. The services dedicated to the invincible martyrs only increased the church's awareness of its defeat of the powers of this world and strengthen the promise of God's coming kingdom, and they were a nuisance to anybody that regarded Christianity as harmful to society. The existence of the Christians maybe had to be

⁸⁷ Cf. *h.e.* IX,2,1: Ταῦτα δ' οὐκέθ οἶός τε φέρειν ὁ τύραννος μισόκαλος καὶ πάντων ἀγαθῶν ἐπίβουλος ὑπάρχων, ... οὐδ' ὄλους ἐπὶ μῆνας ἕξ τοῦτον ἐπιτελεῖσθαι τὸν τρόπον ἠνέσχετο. If we assume that the Sabinus circular was issued in May, Maximinus should have begun his persecution of the Christians in November 311 according to Eusebius' information. Confirmation of this has generally been found in the fact that Bishop Petrus of Alexandria died a martyr's death on 26 November 311. We know very little of his martyrdom and we must not use it as documentation that Maximinus had reopened his persecution of the Christians, cf. below note 169.

⁸⁸ In this context Eusebius characterizes Maximinus as ὁ τύραννος μισόκαλος καὶ πάντων ἀγαθῶν ἐπίβουλος and thereby suggests that his wickedness determined his hostility towards the Christians.

⁸⁹ This remark about the Christians in the rescript to the city of Tyre probably expresses Maximinus' reaction: ὅτε πάλιν ἦσθετο τοὺς τῆς ἐπαράτου ματαιότητος γεγονότας ἔρπειν ἄρχεσθαι καὶ ὥσπερ ἀμεληθεῖσαν καὶ κεκοιμημένην πυρὰν ἀναζωπυρουμένων τῶν πυρσῶν μεγίστας πυρκαϊὰς ἀναπληροῦσαν ... (*h.e.* IX,7,6).

⁹⁰ Cf. *h.e.* IX,2,1: ὅσα δ' οὖν πρὸς ἀνατροπὴν τῆς εἰρήνης μηχανώμενος πρῶτον μὲν εἶργειν ἡμᾶς τῆς ἐν τοῖς κοιμητηρίοις συνόδου διὰ προφάσεως πειρᾶται ...

tolerated but they should not be given the opportunity to proclaim the triumph of the church over the Empire.

A much more serious development began when Maximinus started granting requests from the cities for permission to banish the Christians from their territories. Lactantius believes that Maximinus himself was behind this attempt to deprive the Christians of their religious freedom⁹¹ – Eusebius expressed the same point when he said that Maximinus acted through front men in this matter.⁹² According to Lactantius, Maximinus played this double game because he wanted it to look as if he acted under pressure when he granted the requests from the cities. In other words, Maximinus wished to appear as being personally in favour of giving religious freedom to the Christians.⁹³

When they made Maximinus *primus motor* of the requests from the cities to the emperors, Lactantius and Eusebius probably just repeated the perception common among the Christians. We must treat their understanding with the utmost scepticism for the simple reason that it is difficult to find a motive for Maximinus to engage in such deception. As *maximus augustus* he had complete freedom to take measures against the Christians should he so wish. He could even limit the Christians' right to worship and assemble as much as he liked without having to fear that the Christians would make political trouble or that he would be opposed by Constantine and Licinius – they were both fervent supporters of the pagan gods. This scepticism is even more justified when we consider the material that Eusebius himself presents in this matter.

In the document mentioned above which was written in the year 312 and addressed to praetorian prefect Sabinus, Maximinus gave an account of his past and present treatment of the Christians. He explained that in Nicomedia in 311⁹⁴ he had received a deputation from its citizens urgently asking

⁹¹ Cf. *De mort.* XXXVI,3: *Inprimis indulgentiam christianis communi titulo datam tollit subornatis legationibus ciuitatum quae peterent, ne intra civitates suas christianis conuenticula extruere liceret, ut suasu coactus et impulsus facere uideretur quod erat sponte facturus.* The phrase *conuenticula extruere* may mean to construct assembly rooms, but here it probably means the creation of congregations. The passage means, then, that Christian congregations may not be created or exist in urban areas.

⁹² Cf. *h.e.* IX,2,1: εἶτα διὰ τινῶν πονηρῶν ἀνδρῶν αὐτὸς ἑαυτῶ καθ' ἡμῶν πρεσβεύεται...

⁹³ Eusebius offers in contrast to Lactantius no explanation for Maximinus' double game.

⁹⁴ Maximinus' document dates from late in 312, and when he writes: ὅτε τῷ παρελθόντι ἐνιαυτῷ εὐτυχῶς ἐπέβην εἰς τὴν Νικομήδειαν κάκει διετέλουν ... (*h.e.* IX,9a,4) it must refer to a stay in Nicomedia that must have lasted through the summer of 311 at

that the Christians would under no circumstances be granted permission to live in their city. Maximinus had thanked them for their representations but he had to deny their request because it did not enjoy universal support in the city as a large number of Christians inhabited the urban areas of Nicomedia.⁹⁵ Soon after, he had received urgent requests from the same Nicomedian citizens and from other cities that the Christians would not be allowed to settle in their respective cities. Maximinus now felt forced to grant the requests because it would be in agreement with the actions of former emperors and it was acceptable to the gods by whom all human and social life existed – the requests were motivated by the wish to ensure divine worship.⁹⁶

Maximinus' refusal of the first request from the Nicomedians probably occurred in the summer of 311. His reason for the refusal clearly showed that he wished to respect the Christians' religious freedom.⁹⁷ It is not clear, though, what made him grant the request from Nicomedia and the other cities at a later point.⁹⁸

Maximinus himself offers no explanation for the change in his attitude to the requests. His basic position cannot have changed. He had always been convinced that Christianity must be removed from social life and he still remained opposed to the use of force to take the Christians back to the worship of the gods of the Roman Empire. Events must therefore have occurred to make Maximinus grant the request that he had initially rejected.

Critical analysis reveals contradictions in Eusebius' account of the requests from the cities to Maximinus. They were caused to a very large extent by his expansion of the original description with new material that contained new opinions. In his first version, Eusebius had shown that Maximinus used middle men to make the cities send deputations to him asking for permission to expel the Christians from their urban areas. Later Eusebius received information pointing to Theoteknos, *curator civitatis* in

least. The administration of the new provinces in Asia Minor has no doubt required a prolonged sojourn in Diocletian's old principal city.

⁹⁵ See *h.e.* IX,9a,4-5.

⁹⁶ See *cap.* 9a,6.

⁹⁷ As we shall see, *cap.* 9a,5 *fin.* (εἰ μὲν οὖν τινες εἶεν κτλ.) is a later insertion, so it cannot represent Maximinus' reason for his refusal of the request from the Nicomedians, see Appendix IV.

⁹⁸ Based on Eusebius' date for Maximinus' resumption of the persecution of the Christians, this can have happened no earlier than November 311.

Antioch, as the real instigator. He then incorporated this new knowledge into his church history.⁹⁹

His position made Theoteknos one of the most influential people in Antioch. He had probably belonged to a group of Maximinus' highly trusted civil servants that shared his religious convictions.¹⁰⁰ At any rate, he had always been a zealous, uncompromising and merciless fighter against the Christians.¹⁰¹ He had also been an eager supporter of paganism and had taken an active part in its reestablishment. He had erected a statue in honour of *Zeus Philios*.¹⁰² Priests and prophets were associated with it.¹⁰³ This new Zeus oracle also became the centre of the rites of a mystery religion.¹⁰⁴

In the new shrine an oracle had been pronounced saying that Zeus wanted the Christians as his enemies to be expelled from Antioch and its rural areas.¹⁰⁵ Maybe the oracle was designed to support a request already

⁹⁹ The insertion begins in *lib.* IX,2,1 *fin.* At ὧν πάντων ἀρχηγός and runs at least as far as *cap.* 4,1 *init.* In order to bring the ideas of the new passage into harmony with the passage immediately preceding it Eusebius added τοὺς Ἀντιοχέων πολίτας παρορμήσας. The addition changes the meaning to say that Maximinus had arranged for the citizens of Antioch to send a deputation – the original text had just mentioned the citizens in general terms.

¹⁰⁰ Antioch was Maximinus' preferred city of residence, so he probably chose Theoteknos as *curator* because he knew him and could rely on his political loyalty. Eusebius reveals this when he says that Theoteknos flattered the emperor and wished to please him, see *h.e.* IX,3,1, and that he was rewarded for his services to paganism by being appointed provincial procurator, see *cap.* 11,5.

¹⁰¹ See *h.e.* IX,3,1.

¹⁰² See *ibid.* For details on *Zeus Philios* in Antioch, see A.B. Cook, *Zeus* II, 2 (1904-40), 1186ff.

¹⁰³ Cf. *h.e.* IX,11,6: ... τοὺς τοῦ νεοπαγοῦς ξοάνου προφήτας καὶ ἱερεῖς ...

¹⁰⁴ Cf. *cap.* 3,1: ... τελετάς τε ἀνάγνους αὐτῷ καὶ μῆσεις ἀκαλλιερήτους ἐξαγίστους τε καθαρμὸς ἐπινοήσας. The words τέλεται and μῆσεις show that they are the rites and teachings of a mystery religion but we cannot give a detailed description. The phrasing used by Eusebius in this passage is typical of his treatment of Theoteknos and his efforts to re-establish paganism. He is characterized as a cunning wizard and impostor, *cap.* 2,1, and his new shrine is described as a giant fraud, see *cap.* 3,1 and 11,6. It should be obvious that we can do very little with this characterization. Any essence of historical truth in these allegations is out of our reach. Eusebius terms Theoteknos a magus (γόης), but we must not take that to mean that he represented Egyptian magic and thereby Egyptian religion, as J. Maurice assumes, see *Byzantion* XII (1937), 85ff. The terms wizard and magus are simply insults used by the Christians to describe a pious and zealous heathen.

¹⁰⁵ See *cap.* 3,1. The claim that Theoteknos set demons on the Christians κολακεία τῆ καθ' ἡδονὴν τοῦ κρατοῦντος cannot be credited – it must be put down as another instance of Eusebian polemics.

made by the citizens of Antioch or maybe the city council (βουλή).¹⁰⁶ Although not stated in so many words, the meaning seems to be that the oracle was the reason why Maximinus felt obliged to grant the request from the Antiochians for permission to expel the Christians from their city.

This also provides us with the answer to the question what made Maximinus change his position and give his permission for limitations to the freedom of worship for the Christians. It was caused by the Zeus oracle that had revealed this to be the will of the god. He could not ignore such an order, much less so because Zeus was just the Greek name for Jupiter who was the family god of the Imperial Jovian dynasty. He had declared his enmity of the Christians and therefore made it Maximinus' duty to oppose them by restricting their so far boundless religious freedom. A divine Zeus oracle thus appeared between Maximinus' rejection of the request from the Nicomedians and his positive response to the petition from the Antiochians.

News of the event in Antioch must have spread fast. Requests from other cities reached Maximinus – Nicomedia also sent in a renewed plea for permission to banish the Christians from the urban area.¹⁰⁷ Not a single petition from the cities to the emperor has survived. Maximinus' extant answer to a suit from the city of Tyre¹⁰⁸ does give us a more concrete glimpse of their contents. The Tyrians asked the emperor permission to expel the Christians from their city because it was necessary for its continued survival and prosperity. Life would cease – they seem to have suggested – if the gods were not worshipped. The Christians made such worship impossible so they were a disease and represented all godlessness. Just like the Zeus oracle in Antioch, the Tyrians took for granted the irreconcilable conflict between the pagan gods and the god of the Christians – the former brought blessings, the latter curses on all human and social life.¹⁰⁹

Eusebius also reports that the provincial governors encouraged the citizens of their respective provinces to submit similar requests to Maximinus

¹⁰⁶ This is the most obvious reading of *h.e.* IX,1,1 on the request from the Antiochians followed much later by the account of the oracle in *cap.* 3,1. It is possible, though, that the Antiochians made their request in reference to the command of the Zeus oracle that the Christians must be expelled from Antioch. We cannot settle this point with any certainty.

¹⁰⁷ Cf. *h.e.* IX,4,1: τούτω δὲ πρώτῳ κατὰ γνώμην πράξαντι (*sc.* Theteknos) πάντες οἱ λοιποὶ τῶν ἐν τέλει τὰς ὑπὸ τὴν αὐτὴν ἀρχὴν πόλεις οἰκοῦντες τὴν ὁμοίαν ὁρμῶνται ψῆφον ποιήσασθαι ...

¹⁰⁸ See *h.e.* IX,7,3-14.

¹⁰⁹ See *h.e.* IX,7,3 and 6-7.

on the assumption that they pleased him.¹¹⁰ If he meant that the provinces also sent in petitions is not entirely clear.¹¹¹ In any case, an inscription from the antique Arykanda in Lycia shows that this was precisely what happened.¹¹²

The extant fragments contain a copy of an appeal¹¹³ from the double provinces of Lycia and Pamphylia¹¹⁴ to the emperors who were characterized as the saviours of all mankind.¹¹⁵ The text states that the gods had always done kind deeds to the people who took care to worship them and pray for the emperors' *salus*. Therefore it was deemed right to approach the emperors and ask that the Christians, who are insane and continue to be affected by that condition, were forbidden to offend against the worship due to the gods. If the emperors would issue a law that deprived the godless Christians of their religious freedom and ordered everybody in their worship of the emperors' gods to pray for their eternal and unchangeable rule, then such a law would be obviously beneficial to all.

¹¹⁰ Cf. *cap.* 4,1: προσφιλές εἶναι τοῦτο βασιλεῖ τῶν κατ' ἐπαρχίαν ἡγεμόνων συνεωρακότων καὶ τοῦτ' αὐτὸ διαπράξασθαι τοῖς ὑπηκόοις ὑποβεβληκότων.

¹¹¹ His comments could also be understood to mean that the provincial governors had encouraged the cities to send in such petitions. The choice depends to some extent on the question whether the passage belongs in the original account or not. R. Laqueur agreed with E. Schwartz that τοῦτ' αὐτὸ διαπράξασθαι τοῖς ὑπηκόοις ὑποβεβληκότων in *cap.* 4,1 was a duplicate of ἐτέρους δὲ ταῦτόν ὑποβαλεῖν διαπράξασθαι in *cap.* 2,1 and had concluded that it was an insertion just like the passage immediately preceding it, see *Eusebius als Historiker seiner Zeit*, 155f. In that case it would be natural to assume that the provincial governors had advised the cities on Maximinus' preferences. However, προσφιλές κτλ. in *cap.* 4,1 *fin* repeats in substance the thinking in *cap.* 4,1 *init*. It suggests that it is part of the original account. Seeing προσφιλές κτλ. as the immediate continuation of ὑποβαλεῖν διαπράξασθαι makes eminent sense, in fact, because then first the cities and then the provinces are told to send petitions to Maximinus about the banishment of the Christians.

¹¹² The find was made in 1892 and comprised sections of a stone tablet with an appeal in Greek from the double provinces Lycia and Pamphylia along with Maximinus' Latin response. For the reconstructed text, see Th. Mommsen, *Zweisprachige Inschrift aus Arykanda* in *Gesammelte Schriften* IV, 555ff.

¹¹³ The petition is referred to as δέησις καὶ ἰκεσία.

¹¹⁴ The addressees are listed as Galerius Valerius Maximinus and Licinianus Licinius and a gap has been left between their names. As we shall see, this is probably because Constantine was regarded as a usurper in the East after his invasion of Italy. Therefore the authors chose to leave out his name until the situation had been clarified, cf. below chapter V note 14.

¹¹⁵ The sender is referred to as τὸ Λυκίων καὶ Παμφύλιων ἔθνος. The word ἔθνος is a fixed term for a provincial parliament, cf. J. Deininger, *Die Provinziallandtage der römischen Kaiserzeit* (*Vestigia* 6. 1965), 137 and 139.

The demand for an unlimited ban on Christianity makes this petition much more radical than the ones Maximinus received from the cities – they merely asked for the Christians to be expelled from the urban areas. It cannot be just coincidence when the Arykanda inscription seems to play on the fundamental ideas characteristic of the Galerius edict.¹¹⁶ The inscription supports the reason for the resumption of the Christian persecutions given in the edict¹¹⁷ and demands the revival of the anti-Christian religious policy of the tetrarchy.¹¹⁸ Therefore the emperors must simply revoke the Christians' freedom of worship and demand that everybody must worship the gods that ensure, through the emperors, the salvation and eternal existence of the Roman Empire.

Maximinus' answers to the petitions from individual cities and provinces were given in rescripts sent to them for the purpose of publication. Their contents were largely identical, because a particular common model seems to have been used – the differences were caused merely by adjustments to the model designed to address the specific situation of individual cities and provinces.¹¹⁹

Eusebius quoted substantial sections of the rescript to the city of Tyre and they allow us to read quite precisely Maximinus' reaction to the requests from the cities for permission to expel the Christians from their urban territories.¹²⁰ Maximinus expressed his unreserved delight at the Ty-

¹¹⁶ Lycia and Pamphylia belonged to Galerius' territories so the palinode was here announced through the Galerius edict.

¹¹⁷ Compare the words of the Arykanda inscription δεηθῆναι τοὺς πάλαι [μανικοῦς Χρι]στιανούς καὶ εἰς δεῦρο τὴν αὐτὴν νόσον [διατηροῦντά]ς ποτε πεπαῦσθαι καὶ μηδεμίᾳ σκαίᾳ τινι καί[νῃ θρησκείᾳ] τὴν τοῖς θεοῖς ὀφειλομένην παραβαίνειν with the Greek translation of the introduction to the Galerius edict in *h.e.* VIII,17,6-7.

¹¹⁸ The passage in the Arykanda inscription: εἰ ὑμετέρῳ θεῖῳ καὶ αἰωνίῳ [νεύματι] πᾶσιν κατασταίῃ ἀπειρήσθαι μὲν κεκωλύσθαι [ἐξουσία]ν τῆς τῶν ἀθέων ἀπεχθοῦς ἐπ[ι]τηδεύσεως in fact repeats, in a negative form, the central decrees of the Galerius edict, see *h.e.* VIII,17,9-10.

¹¹⁹ The extant lines from Maximinus' Latin rescript to the Lycian-Pamphylian provincial parliament match completely the last lines of the rescript to the city of Tyre, cf. the comparison in Th. Mommsen, *Gesammelte Schriften* IV, 558f. The rescript of the Arykanda inscription lacks παρασχεθεῖσα τῇ ὑμετέρα πόλει (*cap.* 7,14) which is quite understandable as it is addressed to a province and not a city. It also lacks ταύτης ὑμῶν ἔνεκεν τῆς τοῦ βίου προαιρέσεως (*ibid.*) maybe because Maximinus had not found that he could grant their wishes as he had the Tyrians.

¹²⁰ The few extant lines of the Arykanda inscription unfortunately do not give us any indication of Maximinus' answer to the Lycians and Pamphylians. We can just note that Christianity was not banned, nor was a new duty to sacrifice introduced for the Roman people. This is unequivocally clear from Maximinus' account of his attitude towards the Christians which he gives in his letter to Sabinus, see *h.e.* IX,9a,7-9.

rians' approach to the emperor.¹²¹ They acted absolutely correctly because Christianity was an *execrabilis stultitia*¹²² – it was simply synonymous with senselessness, ignorance and godlessness.¹²³ It was a devastating fire, consumption and contamination.¹²⁴ Life was destroyed wherever it appeared. An irrepressible opposition existed between Christianity and paganism. Therefore, the Tyrians had demonstrated genuine piety in their request for permission to expel the Christians from their urban territories. The emperor granted their request as a matter of course. He wanted to give them a gift to show just how pleased he was about their pious disposition.¹²⁵ They should state their wish freely and it would be granted.¹²⁶ His generosity, though, did not prevent Maximinus from hinting that the gift should be of a kind that demonstrated the emperor's piety towards the immortal gods, present and future evidence that the emperor had rewarded the Tyrians for their piety.¹²⁷ The suggestion seemed to be that the gift could be money for the erection of a temple or some other form of shrine.¹²⁸

We have shown that it is wrong in itself to see Maximinus as the primary instigator of the requests from the cities and provinces to remove the Christians. We should add that much dissatisfaction must have existed not least among the most prominent social groups at the freedom of worship and assemble granted to the Christians by the emperors. The please submitted must therefore be seen as the product of a widely held wish that the religious freedom granted to the Christians was abolished or at least much restricted.¹²⁹ On the other hand, it is quite understandable if the Christians saw the requests to the emperor as part of the fight against them that Maximinus himself had started. The rescript to the Tyrians expresses

¹²¹ See *h.e.* IX,7,4.

¹²² That must be the phrase of the original text, translated by Eusebius in *cap.* 7, 6 and 12 into ἡ ἐπάρατος ματαιότης.

¹²³ See *cap.* 7,3,8 and 11.

¹²⁴ See *cap.* 7,6 and 12.

¹²⁵ See *cap.* 7,12.

¹²⁶ See *cap.* 7,13.

¹²⁷ See *cap.* 7,14.

¹²⁸ In *h.e.* IX,4,3, Eusebius had hinted that both civil servants and private citizens persecuted the Christians because they hoped to be rewarded by Maximinus. On that basis, several scholars have believed that the cities hoped to gain financial benefits in the form of tax relief from their requests. Nothing in Maximinus' rescript supports such an assumption, however – it merely indicates that the Imperial *munificentia* was intended to reinvigorate paganism.

¹²⁹ Cf. *h.e.* IX,7,6: ... εὐθέως πρὸς τὴν ἡμετέραν εὐσεβείαν, ὥσπερ πρὸς μητρόπολιν πασῶν θεοσεβειῶν, χῶρίς τινος μελλήσεως κατέφυγεν, ἴασιν τινα καὶ βοήθειαν ἀπαιτοῦσα.

effusively his joy at their plea. They were praised because they had not hesitated to turn to the emperor – he was the source of all piety, so he could provide a cure and help against the fatal disease, Christianity.¹³⁰ Moreover, Maximinus' rescripts developed into sermons on the elimination of Christianity as both right and necessary. Finally, Maximinus ordered the pleas from the cities and provinces to be posted publicly along with his rescripts, so the Christians cannot be blamed for thinking that Maximinus wanted to turn the population against them.

We cannot deny that Maximinus' attitude towards the Christians must have appeared ambiguous not to say contradictory. It had to be, in fact! However firmly Maximinus was convinced that Christianity destroyed both human and social life, he had learnt that it could not and should not be crushed with force and bans from the emperor. He had also realised that the continued existence of Christianity was an unhealthy sign in the sense that it revealed paganism as enjoying only weak support from the people. These experiences had made him give priority to the reinvigoration of paganism even in the last years of "the great persecution". Without it, there was no chance that Christianity could be eliminated. This attitude motivated not just his granting of the wishes of the cities to expel the Christians but also his full approval of such action. Their please to the emperor represented a popular movement in the sense that it had begun locally as a reaction against the advances of Christianity. It should be seen as part of Maximinus' religious policy, which aimed to make people rally around the gods of the Roman Empire. In addition, the movement relied on a divine

¹³⁰ H. Castritius has argued that financial motives were the prime reason for the requests from the cities to expel the Christians and the emperor's granting of the requests: "Die Bittschriften hatten ... neben gewiss nicht ganz zu leugnenden religiös-weltanschaulichen Motiven vor allem konkrete wirtschaftliche Hintergründe. Ebenso kann das Eingehen des Kaisers auf jene Wünsche nicht allein religiös motiviert gewesen sein, sondern erhielt seine entscheidenden Impulse von der notwendigen Rücksichtnahme auf die wirtschaftlichen Interessen der Städte des Ostens des Imperiums" (*Studien zu Maximinus Daia*, 75-76). Castritius analyses the finances of the cities pp. 52-62 as closely connected to the pagan cult with its pilgrimages, festivals, and sacrifices. For that reason, they wanted the Christians expelled from their territories – otherwise their propaganda would prevail and threaten the economic basis of the cities. Castritius offers no arguments in support of this – his assumption must really be seen as a poorly substantiated working hypothesis. If we focus on the source material relating to the requests from the cities and provinces for permission to banish the Christians, nothing appears to support Castritius' assumption in any way. Financial conditions may well have made it desirable for many heathens to be rid of the Christians, but if we rely on the sources, religious motives alone have been clearly at the forefront of the heathens' fight against the Christians.

Zeus oracle, so he was quite simply forced to give the cities the permission they wanted to rid themselves of the Christians. Nor is it unlikely that Maximinus soon saw the possibilities which the movement offered to mobilise the people to fight for the immortal gods. His rescripts were in reality sermons designed to alert people to the necessity of this fight. Maximinus could well also have used his civil servants to stimulate this movement of resistance against the Christians. In other words, while formally upholding the decrees of the Sabinus circular, Maximinus worked to suppress their faith and cult. This doubleness in Maximinus' attitude towards the Christians provoked their accusation against him of duplicity.

The fight against Christianity had in no way made Maximinus forget the essential aim: that paganism regained its dominant position in the lives and minds of the people. That was the reason why as early as 308 he had ordered the reconstruction of the decaying temples. We hear no more of this, but there is no doubt that he must have continued to insist on the need to renovate old temples and construct new ones. It was unavoidable if his initiative to establish organized paganism was to make any sense.¹³¹

Maximinus decreed that priests should be attached to the temples in both urban and rural areas.¹³² In every city, the priests should be subjects to high priests or *sacerdotes maximi* to use Lactantius' term, which is no doubt correct.¹³³ Their task was to offer daily sacrifices to the gods; in practice that must have meant that they were to ensure that all the gods received their due sacrifices.¹³⁴ In cooperation with the priests at existing shrines,

¹³¹ In *h.e.* VIII,14,9 Eusebius reports that Maximinus gave this order: νεὼς κατὰ πᾶσαν πόλιν ἐγείρειν καὶ τὰ χρόνου μήκει καθηρημένα τεμένη διὰ σπουδῆς ἀνανεοῦσθαι and immediately afterwards he mentions the establishment of an organized pagan hierarchy, so it is tempting to assume that the events coincided. However, the information on the hierarchy appears in the brief summary of Maximinus' entire religious policy which Eusebius gives in a context that predates the issue of the palinode – so its chronological value is doubtful. The detailed account of his religious policy which Eusebius included in *lib.* IX makes no mention of any intensified programme of temple construction. If the assumption is correct that Maximinus promised to give the cities temples as a reward for their zealous support of the gods, then this is direct evidence of the extent to which this aspect of the reinvigoration of paganism continued to be important to Maximinus.

¹³² Cf. *h.e.* VIII,14,9: προστάπτων ἱερέας τε εἰδώλων κατὰ πάντα τόπον καὶ πόλιν ...

¹³³ Cf. *De mort.* XXXVI,4: *nouo more sacerdotes maximos per singulas ciuitates singulos ex primoribus fecit.*

¹³⁴ In *De mort.* XXXVI,4, Lactantius distinguishes between *sacerdotes maximi, qui et sacrificia per omnes deos suos cotidie facerent* and *veteres sacerdotes*. It probably means that the latter were to continue to worship their individual deities while the first

they also had to prevent the Christians from building meeting rooms and from congregating for any kind of worship in churches or private homes.¹³⁵ This must mean that under the leadership of the local high priests, the clergy must supervise the activities of the Christians and see to it that they were expelled from the cities if the emperor had given his permission for this.¹³⁶ Lactantius says that the *sacerdotes maximi* were recruited *ex primoribus*¹³⁷ which means that they came from the same leading circles as the city councillors and officials.

By expanding the clergy locally and by organizing their leadership centrally Maximinus wished to ensure that the gods of the Roman Empire received due worship in each individual city – and therefore the Christians must be prevented from hindering this worship through their mere presence. But Maximinus went further. Local organizations were to be expanded so that each province had its own high priest.¹³⁸ We know nothing of the functions and tasks of the provincial high priest. They were probably required to inspect the high priests of the cities in their respective provinces to see that they fulfilled their duties. They may also have been responsible for the planning and distribution of resources to build the temples necessary and introduce priests in sufficient numbers. They were probably also in

group of priests must organize the cult in such a way that all official gods of the Roman Empire received their due.

¹³⁵ Cf. *De mort.* XXXVI,4: *et ueterum sacerdotum ministerio subnixi darent operam, <ut> christiani neque <conuenticula> fabricarent neque publice aut priuatim coirent*

....
¹³⁶ Lactantius writes about these officials: *comprehensos [christianos] suo iure ad sacrificia cogent uel iudicibus offerent* (*De mort.* XXXVI, 4). This cannot be entirely true, though, because the Christians had not been ordered to sacrifice. The point must be that the high priests had been given legal authority to take action against Christians to make them offer sacrifices if they chose to remain in the cities from which they had otherwise been banned or to surrender them to the provincial governors in cases of insubordination or any other offence against existing decrees. No doubt the high priests also had the power to deal with pagan priests that refused to accept their authority or to perform the duties prescribed for them.

¹³⁷ *De mort.* XXXVI,4.

¹³⁸ See *De mort.* XXXVI,5 and *h.e.* VIII,14,9 and IX,4,2. Lactantius has no specific term for these provincial high priests but refers to them as *quasi pontifices*. By contrast, Eusebius calls them ἀρχιερεῖς. The reality probably was that the high priests of both cities and provinces are called *sacerdotes maximi* or ἀρχιερεῖς but they were distinguished through the addition of the name of the *civitas* or *provincia* in which they were the supreme religious leaders.

charge of the ideological battle for paganism against Christianity and of the efforts to bring people together around the gods of the Roman Empire.¹³⁹

The significance of the functions that provincial high priests had to perform appears from the qualifications demanded of them. They had to be of the highest social ranks, but they should also have distinguished themselves in the service of the emperors.¹⁴⁰ The positions of provincial high priests had to be filled by the most eminent men of the Empire. Socially, these new high priests ranked with the provincial governors – so they were also given a military escort and a body guard.¹⁴¹

When Maximinus established a hierarchical priesthood, he introduced a new group of officials with specific duties in addition to those of the military and civil officers. Visual confirmation of this took the form of a white *chlamys*¹⁴² which the high priests of both cities and provinces were required to wear as their uniform. This was Maximinus' grand attempt to give to paganism an organization and a leadership that could ensure the worship of the immortal gods essential to the *salus* and *incolumitas* of the Roman Empire. In the sphere of religion he created the same order and firmness that Diocletian had established within the army and the administration – and that was a matter of logical consequence because divine worship was just as essential to the Roman Empire as border defence and civil government. The cities and provinces were essential parts of the organisation of the state, so they also needed a religious bureaucracy that made sure that the demand for worship of the gods of the Roman Empire was followed.

Even so, the establishment of a firmly organized priesthood was essentially a novelty. The paganism of the Imperial era had felt no need for and seen no point in an organization to ensure worship of the gods of the Empire everywhere. What used to be a matter of course now became a source of problems. Paganism had to fight for its *raison d'être* if it was to survive. It needed an organization if it was to be reinvigorated and regain

¹³⁹ It is strange that neither Lactantius nor Eusebius mentions the functions of the provincial high priests. Most probably, this is because they were concerned with the fight against Christianity. We can only conclude that the provincial high priests were much more significant than the high priests of the cities. Lactantius shows this by writing that their appointment was a *parum* compared to the appointment of provincial high priests, cf. *De mort.* XXXVI,5.

¹⁴⁰ Cf. *h.e.* IX,4,2: ἱερεῖς δῆτα κατὰ πόλιν τῶν ξοάνων καὶ ἐπὶ τούτοις ἀρχιερεῖς πρὸς αὐτοῦ Μαξιμίνου οἱ μάλιστα ταῖς πολιτείας διαπρέψαντες καὶ διὰ πασῶν ἔνδοξοι γενόμενοι καθίσταντο. See also *lib.* VIII,14,9.

¹⁴¹ See *h.e.* VIII,14,9.

¹⁴² Cf. *De mort.* XXXVI,5: *et eos utrosque candidis clamidibus ornatus iussit* [sc. Maximinus] *incedere*.

its central position in people's lives. This new assessment of the threats to the position of paganism was the background for Maximinus' efforts to create a firmly organized priesthood.

Our sources offer little concrete information on Maximinus' reform of paganism. It is natural, therefore, to see if we can throw some new light on it by looking for religious organizations that may already have existed and have inspired Maximinus, and which he may even have copied. The provincial parliaments, *concilia provincialia*, have been suggested as a model for Maximinus' establishment of an organized priesthood.¹⁴³

During the time of the Roman Empire, each province had established its own parliament.¹⁴⁴ These included representatives of the cities in each individual province and enjoyed some independence in relation to both the provincial governors and the Imperial administration as a whole. Their primary task was to preserve the cult of the emperor. It was done by establishing temples and provide priests for *Roma* and the ruling *augusti* and by organizing great festivals with processions, sacrifices and prayers for the *salus* and *incolumitas* of the Empire and its emperors. Therefore the leader of each provincial parliament was termed ἀρχιερεὺς or *sacerdos*. He was usually elected among the most prominent families of the provincial capital, and he would most likely have distinguished himself in the service of the state. He must also be a man of considerable means, as he was expected to meet the very considerable expenses generated by the practices of the cult of the emperor.

The similarities between the *sacerdos* of the provincial parliaments and the office of provincial high priest instituted by Maximinus are so striking that we are justified in assuming that he was influenced by them. Moreover, the provincial parliaments had as their primary religious function the protection of the Imperial cult, so it is not impossible that Maximinus had an active wish to make them a tool in the implementation of the Imperial religious policy. It only required an extension of their functions to include the worship of all the gods of the Roman Empire, not just the Imperial cult. The provincial parliaments included members of the richest and most powerful families in the provinces, and the initiative would mobilize them

¹⁴³ In *Untersuchungen zur diocletianischen Christenverfolgung* (1928), 84f., Hildegard Florin pointed to the provincial parliaments as a model for Maximinus' new order of the priesthood. The argument is sketchy, though, and weakened by the fact that no attention is paid to the significant differences that exist between them.

¹⁴⁴ This brief account of the provincial parliaments and their functions is based on J. Deininger, *Die Provinziallandtage der römischen Kaiserzeit*, the latest and so far best analysis of the origin and significance of these institutions.

to serve the cause of paganism. It may even have been the idea that current practices were to be extended so that the provincial parliaments would have the financial responsibility for building and restoring temples, for a larger priesthood and more extensive temple services – the economic basis would have been created for the reinvigoration of paganism in the provinces.

The new responsibilities given to the provincial parliaments must have meant that they continued to appoint the high priests for the provinces. The emperor probably had to confirm the candidates so he could make sure that the offices of high priest were always filled by energetic and skilful men who embraced the Imperial religious policy unreservedly.¹⁴⁵ This procedure created concrete cooperation between the emperor and the leading groups of social and financial life in the provinces.

But some aspects of Maximinus' reorganisation of paganism cannot be explained as a continuation and extension of the functions of the provincial parliaments. They did have as their principal duty the organization of the cult of *Roma*, but they did not see it as their responsibility to provide temples and priests throughout each individual province to ensure the support of the entire population for the Imperial cult. The institution of the provincial parliaments, therefore, cannot account for the most prominent aspect of Maximinus' programme of religious reform: a hierarchical priesthood in charge of the universal worship of the immortal gods of the Roman Empire and the removal of all obstacles to popular unification in the worship of the gods handed down from the forefathers.

Likewise, this essential feature cannot be related to any of the known forms of organization created by pagan cults and mystery religions.¹⁴⁶

¹⁴⁵ At first sight, Lactantius and Eusebius seem to say that Maximinus personally appointed the high priests in the cities and provinces, see *De mort.* XXXVI,4 and 5 and *h.e.* VIII,14,9 and IX,4,2. Their information is scant, however, and probably only suggests that Maximinus had taken the initiative to establish these offices. All the same, it is quite likely that he wanted to reserve the final decision on appointments to these essential offices to ensure that they were filled with the right people. Here as elsewhere, all strings were to end up in the emperor's hand so that he was *pontifex maximus* in deed as well as in name. In practice, the local authorities – the city councils and the provincial parliaments – probably nominated candidates for the offices of high priest and then the emperor confirmed the appointment.

¹⁴⁶ J. Maurice has suggested, though, that Maximinus' new order of the pagan priesthood found its model in Egypt in an office filled with ἀρχιερεῖς Ἀλεξανδρείας καὶ Αἰγύπτου πάσης whose task it was to inspect both temples and priests, see *Byzantion* XII (1937), 72 f. (“Les Pharaons Romains”). Maurice finds additional confirmation of his understanding in the suggestions that the Diocletian tetrarchy and not least Maximinus were influenced by the sacral Egyptian ideology of sovereignty and Egyptian cults generally. Maurice has quite rightly pointed out that Maximinus pictured the Egyptian

There is a striking similarity, on the other hand, between Maximinus' programme for the revitalization of paganism and the organization of the Christian church.

The church organization involved a characteristic hierarchy in charge of the congregations.¹⁴⁷ In principle, each city had a bishop helped by presbyters and deacons who were responsible for the life of the local church. It was his duty to ensure that services were held, that the congregations were confirmed in their Christian beliefs and that missionary work was done among the heathens. The church had a firm local organization. Further development had occurred since the second century in that all bishops had gathered in synods to discuss and settle all matters of interest to the external and internal life of the church. These provincial synods were usually lead by the bishop of the provincial capital. Particularly in the East, he had even acquired the position as the de facto head of the provincial church with extensive authority over the other provincial bishops. This organizational structure was really no more than a simple consequence of the characteristic Christian understanding of the relationship to God. In this context, though, the important quality is the cohesion, the inner strength and power of expansion which this organization gave to the Christians and which was completely alien to the other religions of the Roman Empire. "The great persecution" had shown this very clearly.

The church had attacked paganism and preached salvation and so became one of the most significant factors to undermine the sway that paganism held over the popular mind. Maximinus saw it as his duty to reinvigorate paganism, so it was only natural that he would try to discover what gave the church its power – and that was the well-organized clergy

Sarapis on his coins, see his *Numismatique Constantienne* III (1911), XXIf., but he seems to have overestimated the significance of the religious syncretism of Egypt to his religious policy. The official gods of Rome always marked the point of departure for Maximinus, and first and foremost the principal gods of the Jovian-Herculean family: Jupiter and Hercules. Jupiter could be seen as identical with *Sol Invictus* or Sarapis – and the latter two had already frequently been perceived as completely identical. Our sources are so scant in this matter, though, that we can only say that for Maximinus the Roman gods merged with the Greek gods and not least the Egyptian Sarapis, whose cult had spread far and wide all over the East. Maurice's reference to the Egyptian ἀρχιερεὺς as an ideal for Maximinus is of equally limited use. We know far too little of the Egyptian high priest and his functions to determine whether he can have provided any inspiration to Maximinus. We can say that the office of the Egyptian high priest had grown out of the political, religious and administrative conditions peculiar to Egypt and that alone would have made it difficult to apply this order to the division of Roman provinces.

¹⁴⁷ For details, see my *Kristendommen og Imperium Romanum* (1967), 223ff.

who felt responsible for the inner and outer life of the church. He wished to create a pagan parallel to the episcopal organization of the church and for that reason he created an office of high priest in every city and made him responsible for the cult of the entire area. Maximinus was an ardent enemy of the church but he had vision and understanding to learn from the church. He wanted to steal its most successful tool and use it to fight Christianity all the more effectively. Confirmation of this interpretation can be found in his willingness to copy the church when he supported a propaganda offensive against Christianity itself.

When Diocletian decided on “the great persecution”, he apparently intended the destruction of the church and its organization to be followed by a literary campaign to show the Christian faith as unreasonable and groundless. Two texts were published for just this purpose,¹⁴⁸ but no more seems to have come of this plan for an ideological drive.

Since the second century, Christians had used publications in their propaganda to attack paganism and defend and explain the Christian faith. *Acta Pilati* was a text that no doubt pretended to be a letter from Pontius Pilate to Emperor Tiberius. It explained who Jesus was and what he had said and done.¹⁴⁹ It seemed very well suited to win people for Christianity as it must have attempted to dismiss all false accusations against Jesus and demonstrate his true spirit and nature – in the form of a report to the emperor from a heathen Imperial official who had been an eye witness, this text could not fail to appear impartial.

Acta Pilati had proved an excellent propaganda tool, so people who shared Maximinus’ religious ideals believed it necessary to counter the text in another publication with the same title Πιλάτου ὑπομνήματα.¹⁵⁰ This text has not been preserved and we do not know the author. Of its contents we only know that Eusebius characterized it as full of every kind of blasphemy

¹⁴⁸ For further details, see *Christus oder Jupiter*, 142ff.

¹⁴⁹ Cf. E.Hennecke, *Neutestamentliche Apokryphen* I (3. Ausg. Herausgeg. von W. von Schneemelcher, 1959), 330ff.

¹⁵⁰ Eusebius refers to it as Πιλάτου καὶ τοῦ σωτήρος ἡμῶν ὑπομνήματα (*h.e.* IX,5,1). It is hard to imagine that an anti-Christian publication would term Jesus ὁ σωτήρ, so Eusebius must have added it to the original title to suggest that it was a biography of Jesus. From the context in Eusebius, it is perfectly clear that the text was written during the time when Maximinus issued his various decrees to contain Christianity and regenerate paganism. The earliest possible date judging from Eusebius’ references must be the end of 311.

against Christ.¹⁵¹ It probably means that the text tried to show Jesus as a charlatan and a fraud who wanted to lead ignorant people astray.¹⁵²

Maximinus saw this text as an effective tool for opening people's eyes to the errors of Christianity. He ordered it to be issued in all his provinces and in edicts he specified that it must be made available to everybody by posting it publicly and it must be used as the only educational text in the lower schools.¹⁵³ In other words, this was a carefully planned attempt to immunize the entire population and not least the young generation against Christianity. Maximinus and his religious associates viewed the fight between paganism and Christianity with such seriousness that they considered it necessary to mobilize the antique schools and use them in the service of the heathen gods. This was the start of a confessional educational system of schools.

Eusebius also reports on an initiative to suppress Christianity taken by the military *dux* of Damascus. He supposedly captured some prostitutes in the *forum* of the city and forced them through threats of torture to confess in writing to anything he required in order to use it to discredit Christianity. They declared that they had once been Christians and had known the lawlessness practiced by the Christians and the debauchery at their religious services.¹⁵⁴ The military commander recorded these confessions in a memorandum that was sent to Maximinus. On his order, it was posted everywhere – in cities and in rural areas.¹⁵⁵

The steps that Maximinus had taken since November 311 to implement his religious policy had lead to persecution of the Christians according to Eusebius – and it was much harsher than “the great persecution”.¹⁵⁶ He also

¹⁵¹ Cf. *h.e.* IX,5,1: πλασάμενοι δῆτα Πιλάτου καὶ τοῦ σωτῆρος ἡμῶν ὑπομνήματα πάσης ἔμπλεα κατὰ τοῦ Χριστοῦ βλασφημίας.

¹⁵² Even in *h.e.* I,9,3 Eusebius had referred to *Acta Pilati* in the following terms: οὐκοῦν σαφῶς ἀπελήλεγκται τὸ πλᾶσμα τῶν κατὰ τοῦ σωτῆρος ἡμῶν ὑπομνήματα χθές καὶ πρόην διαδεδωκότων, ἐν οἷς πρῶτος αὐτὸς ὁ τῆς παρασημειώσεως χρόνος τῶν πεπλακῶτων ἀπελέγχει τὸ ψεῦδος. This supports the assumption that the text must have included an account of the life and deeds of Jesus. It probably contained another attack on the figure of Christ similar to the attacks that we meet for the first time in the Platonic philosopher Kelsos and later in Porfyr and the other anti-Christian neo-Platonists, see *Christus oder Jupiter*, 67f and 138f.

¹⁵³ See *h.e.* IX,5,1.

¹⁵⁴ See *h.e.* IX,5,2.

¹⁵⁵ See *ibid.*

¹⁵⁶ Cf. *h.e.* IX,6,4: τοσαῦτα δῆτα ἐν βραχεῖ τῷ μισοκάλῳ Μαξιμίνῳ καθ' ἡμῶν συνεσκεύατο, ὡς τοῦ προτέρου δοκεῖν πολλῷ χαλεπότερον τοῦτον ἡμῖν ἐπεγγεῖσθαι διωγμόν.

says, though, that the persecution began when Maximinus responded to the requests from the cities for permission to expel the Christians from their respective territories – which must have occurred for the first time at the end of the year 311.¹⁵⁷

In relation to Eusebius' account, it must be noted, though, that Maximinus did not start persecutions in the sense that he cancelled the decrees of the Sabinus circular. Formally speaking, the Christians still enjoyed freedom of worship and assembly even though they had now been denied access to a number of cities. All the same, it is understandable that Eusebius perceived the situation as a resumption of the persecution of the Christians. In the cities that had been given permission to expel them, the Christians had to stop meeting as congregations or they had to leave the cities – and the new organized hierarchy of paganism would certainly supervise the implementation of the Imperial permission. Confessing their Christian faith could become a costly affair, both socially and financially. Moreover, Maximinus' rescripts in response to the requests from the cities could only make Christians anxious and uncertain about the future. The texts stigmatized them officially as enemies of the state whose removal from the social body was a duty acceptable to the gods. The Christians were not wanted in the Roman Empire and could expect eventually to be driven into barren desert areas and wild forests and mountains that would offer no basis for any urbanisation.

A first reading of Eusebius leaves the impression that all cities had requested permission from Maximinus to expel the Christians from their territories.¹⁵⁸ But that was in no way the case. It was a development that depended on local initiative, and it took time for the example of the Antiochians to work everywhere.¹⁵⁹ Several cities, then, had not conducted

¹⁵⁷ Cf. *cap.* 4,2: ὄν δὴ καὶ αὐτῶν τοῖς ψηφίσμασιν δι' ἀντιγραφῆς ἀσμενέστατα ἐπινεύσαντος τοῦ τυράννου, αὐθις ἐξ ὑπαρχῆς ὁ καθ' ἡμῶν ἀνεφλέγετο διωγμός. A contradiction exists between *cap.* 4,2 and *cap.* 6,4, but its significance should not be exaggerated. The ban against services held at their burial grounds was the first of Maximinus' decrees directed against the Christians. It restricted their freedom of worship and assembly and as such could be taken as the first indication of a change in Maximinus' relationship with them. It was an annoying restriction but it represented no great strain on the Christians – so it is not surprising that Lactantius makes no mention of this ban on services. The emperor's accept of the request from the cities was much more burdensome to the Christians so it could reasonably be seen as the turning point in the emperor's approach to the church.

¹⁵⁸ See *h.e.* IX,6,1 and 7,1.

¹⁵⁹ The Antiochians probably received the accept of their request at the end of 311, but the rescript to the city of Tyre can be dated no earlier than May 312 because it presupposes that the harvest season is imminent, see *h.e.* IX,7,10. The request to the empe-

a purge of the Christians from their territories. That was certainly true of Caesarea, the provincial capital of Palestine – if not, Eusebius would of course have copied the Imperial rescript posted in his home town and not the one that he later came across in Tyre.¹⁶⁰ According to Eusebius, moreover, the new persecution in reality lasted no more than a year,¹⁶¹ so the Christians were probably expelled from only a small minority of cities. The future may have looked grim to the Christians but as yet conditions were nowhere as dramatic as Eusebius suggests in his account.

In his discussion of Maximinus' anti-Christian policy, Eusebius explains that the emperor had at his disposal assistants who were keen to help in its implementation. The new offices as high priests of the cities and provinces had been filled with men that were zealous in their support of the pagan gods.¹⁶² Maximinus' personal piety and zeal seem to have inspired both officials and the general population.¹⁶³ Deportations and local persecutions spread again – and the provincial governors were active everywhere in this

ror from the Lycians and Pamphylia must date from the summer or early autumn of 312, cf. below chapter V note 14.

¹⁶⁰ *h.e.* IX,7,2-14 contains a short assessment of the rescript (2) and a copy of it (3-14). The passage is an obvious later addition to Eusebius' account. That is clear because it breaks the original coherence as *cap.* 7,15 can only be seen as a continuation of *cap.* 7,1. It was added quite late after Eusebius had expanded his account by including the account of *Acta Pilati*, for details see below note 179. It is remarkable that the rescript to the city of Tyre had very different contents than Eusebius imagined, cf. R. Laqueur, *Eusebius als Historiker seiner Zeit*, 107ff. When Eusebius wrote his first account of Maximinus' religious policy after 313, he had seen no rescript himself. Eusebius was always keen to work with documentary material as much as possible, so we may conclude that very few cities on the coast of Palestine and Phoenicia had sent pleas to Maximinus for permission to ban the Christians.

¹⁶¹ For details, see below chapter V at note 155.

¹⁶² Cf. *h.e.* IX,4,2: οἷς καὶ πολλή τις εἰσήγετο σπουδὴ περὶ τὴν τῶν θεραπευομένων πρὸς αὐτῶν θρησκείαν.

¹⁶³ Cf. *cap.* 4,3: ἡ γοῦν ἔκτοπος τοῦ κρατοῦντος δεισιδαιμονία, συνελόντι φάναι, πάντα τοὺς ὑπ' αὐτὸν ἄρχοντας τε καὶ ἀρχομένους εἰς τὴν αὐτοῦ χάριν πάντα πράττει καθ' ἡμῶν ἐνήγεν, ταύτην αὐτῷ χάριν μεγίστην ἀνθ' ὧν ἐνόμιζον πρὸς αὐτοῦ τεύξεσθαι εὐεργεσιῶν, ἀντιδωρουμένων, τὸ καθ' ἡμῶν φονᾶν καὶ τινας εἰς ἡμᾶς καινοτέρας κακοηθείας ἐνδείκνυσθαι. Eusebius is correct in the sense that the fight against Christianity was a matter near to Maximinus' heart. He is wrong to suggest that Maximinus wanted a bloody end for the Christians. It is equally incorrect of Eusebius to describe Maximinus' assistants as motivated in their support of him only by the hope of rewards. He conceals the comprehensive and genuine nature of the resentment that large groups of the population felt for the Christians.

matter.¹⁶⁴ According to Eusebius, the result was that some prominent Christian thinkers were condemned to death without mercy.¹⁶⁵ This was true of Bishop Silvanus of Emesa who was thrown to the wild animals together with two other Emesians because they had confessed themselves to be Christians.¹⁶⁶ Bishop Peter of Alexandria was suddenly apprehended and decapitated for no reason seemingly on orders from Maximinus – and several other Egyptian bishops met with the same fate.¹⁶⁷ The presbyter Lukian of Antioch was imprisoned and killed after he had presented a defence of Christianity to Maximinus in Nicomedia.¹⁶⁸

Eusebius obviously intended this list of martyrs as evidence that Maximinus was behind the bloody extermination of the most academically educated leaders of the Church. In many respects, though, his account is so inaccurate that we cannot rely on his information.¹⁶⁹ Maximinus is falsely

¹⁶⁴ Cf. *cap.* 6,1: ἡμῶν δ' αὖ φυγαὶ πάλιν ἀνεκινούντο καὶ διωγμοὶ χαλεποὶ τῶν τε κατὰ πάσας ἐπαρχίας ἡγουμένων αὐθις δεινὰ καθ' ἡμῶν ἐπαναστάσεις ... In the original version this passage constitutes the immediate continuation of *cap.* 4,3. Eusebius disrupted the original sequence by adding *cap.* 5,1-6,1 *init.* in order to provide concrete examples of the wicked attacks that Maximinus' subordinates could make against the Christians.

¹⁶⁵ Cf. *cap.* 6,1: ... ὡς καὶ τινὰς ἀλόντας τῶν περὶ τὸν θεῖον λόγον ἐπιφανῶν ἀπαράιτητον τὴν ἐπὶ θανάτῳ ψῆφον καταδέξασθαι. The phrasing reveals that Eusebius is thinking of the men who worked with scripture and its contents in accordance with Origen's philosophical and scholarly pattern.

¹⁶⁶ See *ibid.*

¹⁶⁷ See *cap.* 6,2.

¹⁶⁸ See *cap.* 6,3.

¹⁶⁹ In *h.e.* VIII,13,3-4, Eusebius had already mentioned the martyrdom of Bishop Silvanus and the Christian Emesians in a context that places it before the end of "the great persecution". This date is confirmed by the information that they were sentenced because of their Christian faith. This can only refer to a time prior to the publication of the decrees of the Sabinus circular which granted the Christians the right to exist. – In *h.e.* VII,31 Eusebius had reported that the decapitation of Bishop Peter of Alexandria had occurred in "the ninth year of the persecutions". All martyrological accounts give the date of his death as 26 November, so he must have been martyred on 26 November 311. Eusebius merely says the he was decapitated ἀθρόως οὕτως καὶ ἀλόγως, ὡς ἂν Μαξιμίμου προστάξαντος (*lib.* IX,6,2). This is so imprecise that it cannot be used to explain Eusebius' understanding that he was martyred because he was a scholarly theologian. We have no information of any other Egyptian bishops martyred in this period. – A Syrian martyrology allows us to establish the day of the martyrdom of the presbyter Lukian as 7 January and if the context of Eusebius' mention of his death can be trusted at all, it must have occurred in the year 312. Eusebius makes it very clear that Maximinus had Lukian condemned to death because of his Christian faith, but that cannot be correct – as we said, the Sabinus circular of May 311 had permitted the practice of Christianity. The unreliable nature of Eusebius' information is further confirmed by the

accused of having initiated a persecution in the sense that the Christians were imprisoned and punished because of their faith.¹⁷⁰ The Sabinus circular was still in force, so the provincial governors had no right to imprison or punish the Christians *propter nomen* or because they refused to take part in the worship of the gods of the Roman Empire.¹⁷¹ We cannot deny, though, that provincial governors and local authorities may have molested the Christians. They were allowed some independent initiative in their persecution of the Christians.¹⁷² There is no doubt, moreover, that on a number of occasions they exceeded their authority and made demands on the Christians for which there was no legal basis.¹⁷³ There is also every

detailed account of Lukian's martyrdom which Rufinus added at this point in his Latin translation of Eusebius' church history. It says that Lukian was taken *ad tribunal iudicis*, i.e. the court of the provincial procurator, and when he felt that Lukian had almost succeeded in convincing the audience in his defence, he ordered that he must *abripi ... in carcerem ibique quasi absque tumultu populi necari*. Here the provincial governor – referred to directly as *praeses* – and not Maximinus sentences Lukian to death. Finally, the credibility of this martyr account is weakened by the fact that the passage starting *ἀλόνητας* in *cap.* 6,1 and ending with *cap.* 6,3 constitutes an independent unit which Eusebius added to his church history at a later time. This also explains the contradiction in the present version of the text. The passage immediately before the insertion refers to the provincial governors as those responsible for sentencing the Christian scholars to death, but the addition makes Maximinus very clearly responsible for their deaths.

¹⁷⁰ This is confirmed by Lactantius when he writes of Maximinus: *Nam cum clementiam specie tenus profiteretur, occidi seruos dei uetuit, debilitari iussit* (*De mort.* XXXVI,6). Even though Lactantius erroneously dates the edict banning murder of the Christians to the time after the issue of the Galerius edict, the significant point is that he explains that Maximinus no longer kills Christians. Lactantius became a little too fanciful when described the *debilitatio* ordered by Maximinus in these terms: *confessoribus effodiebantur oculi, amputabantur manus, pedes detruncabantur, nares uel auriculae desecabantur* (*cap.* XXXVI,7).

¹⁷¹ For that reason alone, we must reject *Passio Sancti Theodoti* as a source of the new persecution of the Christians that was supposed to have occurred under Maximinus. According to H. Grégoire-P. Orgels, the martyrology has a historical core in its description of the provincial governor Theoteknos and his persecution of the Christians in Ankara, the capital of the province of Galatia – they see him as identical with Theoteknos of Antioch mentioned by Eusebius as having been rewarded for his efforts with the office of procurator of Ankara, see *Byzantinische Zeitschrift* XLIV (1951), 167ff (“La Passion de S. Théodote, Oeuvre du Pseudo-Nil, et son Noyau Montaniste”). The account of the martyrdom is so full of anachronisms and erroneous information that it seems quite impossible to isolate a genuine historical core, cf. H. Delehaye, *La Passio de S. Théodote d’Ancyre* in *Analecta Bollandiana* 22 (1903), 320ff.

¹⁷² This is clear from *h.e.* IX,4,3.

¹⁷³ We may have evidence of this in an inscription cut into the sarcophagus of Bishop Eugenius of Laodicea. For details of the reconstructed text, see J. Calder, *Studies in*

reason to assume that they sometimes treated the Christians brutally and even sentenced them to death.¹⁷⁴ On several occasions, events may have developed so that they were quite similar to the conditions during “the great persecution”. The fact that Maximinus apparently did not reprimand the local authorities for their treatment of the Christians,¹⁷⁵ could further strengthen the perception that the emperor had initiated the attacks on the Christians. This assumption spread among the Christians all the more readily because Maximinus had stated publicly that Christianity must be eliminated for the good of the Roman Empire. All the same, it is fair to maintain that Maximinus had taken no initiative to restart the bloody persecutions of the Christians. On this point, Eusebius’ text is so inaccurate and contains such gross exaggerations that it must be seen as misleading.

Eusebius had pointed out that a new procedure was used when the petitions from the cities for permission to expel the Christians were posted publicly in the *fora* of the cities along with Maximinus’ response so that everybody was informed about them.¹⁷⁶ He was right to claim that never

Early Christian Epigraphy in Journal of Roman Studies X (1920), 43ff. The text says that Eugenius had served with distinction under the provincial governor of Pisidia. But during Maximinus’ time an order was issued that all Christians must sacrifice and could not leave the army (ἐν δὲ τῷ [μ]εταξὺ χρόνῳ κελεύσεως [φ]οιτησάσης ἐπὶ Μαξιμίνου τοὺς Χρ[ε]ιστιανούς θύειν καὶ μὴ ἀπα[λ]λάττεσθαι τῆς στρατεί[α]ς). Having suffered extensive torture, Eugenius did manage to leave the army without abandoning his Christian faith. Shortly afterwards, he was elected bishop of the city of Laodicea, an office which he kept for a full 25 years. According to the inscription, the persecution of Eugenius must have occurred after Maximinus had taken control over Galerius’ possessions in Asia Minor, including Pisidia, following the death of Galerius in 311. If Maximinus had issued a ban of the kind implied in the inscription it would have been such a drastic measure against the Christians that we would expect several martyrdoms as a result. We hear of no martyrdoms in the army during this time. In addition, neither Lactantius nor Eusebius mentions any such law issued by Maximinus. Eusebius’ silence on this point is particularly significant as he worked hard to collect all possible material to show that Maximinus was the worst of all persecutors of the Christians. Everything suggests that Maximinus did not issue any law of that kind. If we rule out poor memory, only one explanation remains, namely that such a decree was issued by the local authorities and that they made it appear as if it came from the Emperor.

¹⁷⁴ In his letter to Sabinus, Maximinus himself makes it clear that provincial governors and their assistants have exceeded their authority in their harsh and violent treatment of the Christians, see *h.e.* IX,9a,7.

¹⁷⁵ Not till the end of the year 312 did Maximinus specifically instruct the authorities in his letter to Sabinus to desist from any kind of maltreatment of the Christians.

¹⁷⁶ Cf. *h.e.* IX,7,1: Ἀνὰ μέσας γέ τοι τὰς πόλεις, ὃ μηδὲ ἄλλοτέ ποτε, ψηφίσματα πόλεων καθ’ ἡμῶν καὶ βασιλικῶν πρὸς ταῦτα διατάξεων ἀντιγραφαὶ στήλαις ἐντετυπωμένα χαλκαῖς ἀνωρθοῦντο ...

before had an emperor addressed the entire population in this way to warn them of Christianity and encourage them to join the worship of the gods. We must add, though, that the Imperial propaganda was not as massive as Eusebius makes it appear. As we have seen, all cities had by no means asked for permission to expel the Christians and so they had received no rescript.

We must make the same critical reservations when Eusebius reports that every day school children memorized the false *Acta Pilati*.¹⁷⁷ Everything points to the work to mobilize the school in active fight for paganism being only in its early phases. If *Acta Pilati* had really been established as an obligatory text book in all lower schools, it is hard to understand why this new drastic step to set the young generation against Christianity was never mentioned by Lactantius or in Eusebius' first account of Maximinus' anti-Christian religious policy.¹⁷⁸ Given that the educational system of the late antiquity based itself on Hellenistic principles and merely taught the pupils to write and speak a polished version of Greek – texts therefore included the Greek classics –, it is difficult to imagine that *Acta Pilati* could be established that quickly as obligatory reading. Most likely, the falsified *Acta Pilati* was used in the ideological battle against the Christians and the text has probably been used in schools here and there. Quite likely, Maximinus approved of and supported such initiatives. If this support was given in the form of a law, as Eusebius claims, we must point out that there was no time to implement it. *Acta Pilati* may well have been a dangerous weapon of attack against the Christians, but Eusebius overestimated its use in schools and therefore also the extent of its influence.

It is even more difficult, however, to accept Eusebius' account of the order that Maximinus was supposed to have given that prostitutes in Damascus were to provide descriptions of the immoral nature of Christianity and these descriptions should be published everywhere in urban and rural areas. If this was a prominent element in the Imperial propaganda against Christianity, it is remarkable that Lactantius makes no mention of it and that Eusebius only includes it with a later addition to his church history.¹⁷⁹ We

¹⁷⁷ Cf. *ibid.*: οἱ τε παῖδες ἀνὰ τὰ διδασκαλεῖα Ἰησοῦν καὶ Πιλάτον καὶ τὰ ἐφ' ὕβρει πλασθέντα ὑπομνήματα διὰ στόματος κατὰ πᾶσαν ἔφερον ἡμέραν.

¹⁷⁸ *cap.* 5,1 is a later addition because *cap.* 4,2-3 originally continued in ἡμῶν δ' αὖ φυγαὶ κτλ. in *cap.* 6,1.

¹⁷⁹ *h.e.* IX,5,2-6,1 *init.* is a later addition. That is clear from the very first words: ὧν τοῦτον ἐπιτελουμένων τὸν τρόπον. They do not connect with any elements in the preceding passage. All of *cap.* 5,1-6, 1 *init.* was constructed by Eusebius when he added to the original version first the information about *Acta Pilati* and the edict on its use in schools (*cap.* 5,1) and then the account of the appearance and publication of the

should perhaps also ask if Maximinus is likely to have approved the publication of such “Greuelgeschichten”. Not only did Maximinus insist on winning the Christians with arguments and persuasion but it would have been poor tactics to use polemics that had already failed to produce the desired effect.¹⁸⁰ For these reasons, we do well to reject Eusebius’ account in its present form. On the other hand, it must have a historical core since Eusebius found it appropriate to include it in his church history. Maybe he discovered that senior officials in Damascus had started a vicious campaign of rumours against the Christians and supported them with personal reports extorted under threat of torture – the witnesses must have been of dubious character if they had spoken ill of Christianity! Eusebius then included this episode as a characteristic example of Maximinus and his officials who cooperated beautifully to use any means to destroy the Christians.

Still, Eusebius was not entirely wrong when writing that conditions had developed so that in human terms there was no hope for the Christians.¹⁸¹ Maximinus had been truly successful in devising a constructive religious policy and in finding new ways of fighting the Church without resorting to bloody force and violence. Because of his policy of appointments he had at his disposal officials who worked with conviction to implement the Imperial religious policy throughout the provinces. Moreover, he had managed to include the cities and most likely the provincial parliaments in the war on Christianity. Finally, he had built temples and created a firmly organized priesthood to form a basis for the regeneration of paganism. In official announcements Maximinus had declared his personal support of the gods of the Roman Empire and argued passionately in their favour in his rejection of Christian worship. Maximinus in person may not have been the principal agent, but his personal position served as an inspiring example to

Christians’ *chronique scandaleuse*. This is clear from the fact that *cap.* 7,1 only mentions the publication of the requests from the cities and the Imperial rescripts but says nothing of the public notices of the Christians’ disgraceful actions even though that was included in the decree. Such mention would have served to justify Eusebius’ indignation at the emperor’s treatment of the Christians.

¹⁸⁰ As the Christians grew in numbers and their faith and entire philosophy of life became generally known, it became impossible to fight them with accusations merely based on misunderstandings and loose rumours. In his attack on Christianity, Celsus had already refrained from using that approach and his strategy, which was based on genuine knowledge of Christianity, was taken up by Porfyr and the other neo-Platonic philosophers – and they were regularly at the court of Maximinus.

¹⁸¹ Cf. *h.e.* IX,7,15: Ταῦτα δὴ καθ’ ἡμῶν κατὰ πᾶσαν ἐπαρχίαν ἀνεστηλίτευτο, πάσης ἐλπίδος, τὸ γοῦν ἐπ’ ἀνθρώποις, ἀγαθῆς τὰ καθ’ ἡμᾶς ἀποκλείοντα.

intensify the literary attacks on Christianity and to mobilize schools in support of paganism.

Under Maximinus a popular movement had appeared to protect paganism and its gods in a clear rejection of Christianity. This was new – and it was extremely dangerous for the Church! Against this background, Eusebius was not entirely wrong to claim that a situation had developed under Maximinus that was far more serious for the Christians than the one that existed during “the great persecution”. The movement to regenerate paganism had not yet reached its full force, but it was not difficult to imagine that as it spread and gained in strength, it would lead to ever more difficult conditions for the Christians. No one seemed to doubt that the development would culminate in the complete destruction of the Church. This was the obvious assessment of the situation as the year 312 progressed. But when things seemed to be at their darkest, God came to the rescue of his church, according to Eusebius.¹⁸² Lactantius merely mentions that Maximinus was forced to stop his fight against the Christians because of a letter he had received from Constantine.¹⁸³ But to understand the contents and implications of these “*litterae Constantini*” we must discuss the dramatic political events that occurred in the West at the time when Maximinus’ new religious policy was beginning to take effect in the East.

¹⁸² See *h.e.* 7,16.

¹⁸³ Cf. *De mort.* XXXVII,1: *Haec ille moliens Constantini litteris deterretur.*

Chapter V

MAXIMINUS – DEFEAT AND FALL

1. Constantine's political double game

We have seen how the political situation stabilized after Galerius' death. Maxentius was still branded a usurper, but Maximinus, Constantine and Licinius had acknowledged each other as legitimate rulers. Maximinus and Licinius had even made a pact of friendship. It had completely removed the tensions that had existed since the Carnuntum conference. Licinius had accepted Maximinus as *maximus augustus* and in return been given a free hand to destroy Maxentius and take over his territories which belonged to him *de jure* as the *augustus* of the West. Any fear that Constantine might see this alliance as directed against him had apparently proved groundless. He had recognized Maximinus as *maximus augustus* and had accepted his appointment along with Licinius as consuls for the year 312. This could only mean that he had abandoned the political programme that he had proclaimed by the panegyrist in 310. Constantine seemed content that he had been given the right to Spain just as he seemed to have accepted Licinius' right to repossess Maxentius' property. It only remained to remove this usurper, and then the new triarchy would have completely restored the peace and unity of the Roman Empire.

Lactantius and Eusebius tell a very different story, however. They say that the political situation was determined in reality by very strong conflicts among the emperors. While Constantine and Licinius found it natural to cooperate, a proper alliance was made between Maximinus and Maxentius. Scholars have taken the information from Lactantius and Eusebius only to mean that an armed truce existed in the time after Galerius' death. In fact, all the rulers had worked energetically behind the scene to create a diplomatic offensive designed to find the strongest possible allies for the civil war that would decide who was to rule the Roman Empire. Opinions vary as to the specific goals that individual emperors pursued in their diplomatic games. Maybe the sources do not suffice to answer this question,¹ but only careful analysis of this entire set of problems can settle that question.

¹ This seems to be the point made here by sagacious Groag: "Andrerseits setzte, wie zwischen Souveränen, ein diplomatisches Spiel ein, das wir freilich nicht mehr zu durchschauen vermögen" (*RE* XIV col. 2468). This did not stop him any more than it

According to Lactantius, Maximinus still envied Licinius because Galerius had preferred him as *augustus*. When Maximinus then learnt that Constantine's sister had been engaged to Licinius, he saw it immediately as an alliance between the two emperors directed against him.² As a counter-move he sent delegates to Maxentius in Rome with a letter secretly offering a pact of friendship.³ Maxentius had just started a war against Constantine so he badly needed an ally and accepted the offer of an alliance with pleasure.⁴ The pact of friendship manifested itself in the two emperors appearing together in pictures.⁵ All the same, the alliance remained a secret, and Maximinus pretended to have friendly relationships with both Constantine and Licinius. Therefore Constantine could only see it as faithlessness and treachery when he conquered Rome and found clear evidence of Maximinus' alliance with Maxentius in the form of letters, statues and pictures.⁶

Eusebius also reports that Maximinus made a pact of friendship with Maxentius – that was to be expected when the tyrant of the East and the tyrant of Rome were like brothers in evil.⁷ Maximinus intended to keep the pact secret for as long as possible but eventually he was found out and given his just punishment.⁸ Eusebius does not say when this happened. According to him, Constantine found no incriminating material to reveal Maximinus' double game when he invaded Rome – he still regarded him as

did other scholars from making suggestions as to the aims that individual rulers pursued in their diplomatic games.

² Cf. *De mort.* XLIII,2: *Cum haberet æmulationem aduersus Licinium, quia prælati ei a Maximiano fuerat, licet nuper cum eo amicitiam confirmasset, tamen ut audiuit Constantini sororem Licinio esse desponsam, existimauit affinitatem illam duorum imperatorum contra se copulari.* Lactantius refers to the friendship that Maximinus had established with Licinius in order to show that Maximinus' suspicions that Licinius had dishonest intentions were quite unreasonable and groundless.

³ Cf. *cap.* XLIII,3: *Et ipse legatos ad urbem misit occulte societatem Maxentii atque amicitiam postulatum. Scribit etiam familiariter.*

⁴ Cf. *cap.* XLIII,4: *Maxentius tamquam diuinum auxilium libenter amplectitur: iam enim bellum Constantino indixerat quasi necem patris sui uindicaturus.*

⁵ Cf. *cap.* XLIII,3: *Recipiuntur legati benigne: fit amicitia utriusque imagines simul locantur.*

⁶ Cf. *cap.* XLIV,10: *Confecto tandem acerbissimo bello cum magna senatus popu-ique Romani lætitia susceptus imperator Constantinus Maximini perfidiam cognoscit, litteras deprehendit, statuas et imagines inuenit.* The word *perfidia* shows that according to Lactantius Constantine believed that friendship existed between him and Maximinus. This further implies that the pact of friendship between Maximinus and Licinius was still officially in force.

⁷ See *h.e.* VIII,14,7.

⁸ See *ibid.*

a friend.⁹ In relation to Licinius, we are first told that Maximinus broke his pact of friendship with him when he started a war against him in the spring of 313.¹⁰

As suggested above, scholars have accepted without reservation Lactantius' and Eusebius' accounts of this alliance between Maximinus and Maxentius.¹¹ It is quite astonishing given that their stories appear even at a first glance quite unlikely. When Lactantius says that the pact of friendship meant that pictures of both rulers were displayed, we must ask how that fits the fact that Constantine only learnt of Maximinus' *perfidia* in Rome proper. It is quite clear from Lactantius that the alliance was not formed till after the outbreak of the war between Constantine and Maxentius, so it is difficult to imagine how the conqueror of Rome could find so much compromising material in the form of *litterae*, *statuae* and *imagines* – the alliance had only been in existence for a few months. Maximinus had committed an act that would finish him in politics, so it is also surprising that Constantine continued to treat him as his fellow emperor after he had discovered his double game.

Eusebius is more consistent than Lactantius in his discussion of the secret pact of friendship in the sense that he does not say that revealing statues and pictures existed of Maximinus and Maxentius together. But nor are we told when and how Maximinus was found out and received his just punishment.

Eusebius mentions the secret pact of friendship between Maximinus and Maxentius only in one single passage. Close analysis of the entire context shows that the passage has been inserted into an account of Maxentius and Maximinus as the two godless tyrants that have ravaged Rome. Eusebius has taken the account from a text written after Maximinus' death in an attempt to demonstrate that Constantine and Licinius alone were the two legitimate rulers of the Roman Empire.¹² It is also significant that Eusebius'

⁹ Cf. *h.e.* IX,9,12: ... Μαξιμίνῳ, τῶν ἐπ' ἀνατολῆς ἔθνῶν ἔτι δυναστεύοντι φιλίαν τε πρὸς αὐτοὺς ὑποκοριζομένῳ ...

¹⁰ Cf. *cap.* 10,2: ... συνθήκας ἃς πρὸς Λικίννιον πεποίητο, παρασπονδήσας, πόλεμον ἄσπονδον αἴρεται.

¹¹ Only H. Castritius has voiced any reservations. He comments: "Dass Maximinus Daia mit Maxentius politisch zusammengearbeitet haben soll - -, klingt aufgrund des zähen Festhaltens des ersteren an der diocletianischen Ordnung verdächtig und könnte auch auf die Propaganda seiner Gegner Licinius und Constantine zurückgehen" (*Studien zu Maximinus Daia*, 45, note 120). The point only appears in this sketchy form and no argument is offered in support of its accuracy.

¹² The relevant passage in Eusebius reads: ὁ δ' ἐπ' ἀνατολῆς τύραννος Μαξιμῖνος, [ὡς ἂν πρὸς ἀδελφὸν τὴν κακίαν, πρὸς τὸν ἐπὶ Ῥώμης φιλίαν κρύβδην σπενδόμενος, ἐπὶ

source only compared Maximinus and Maxentius as two quite similar tyrants, but it makes no mention of any alliance between them, however obvious this may have been. The fact that the idea of an alliance was added later to a characterization of the two tyrants as brothers in evil indicates that there is no historical basis for a pact between Maximinus and Maxentius – it is pure fiction which Constantine and Licinius later saw that they could spread to their political advantage.¹³

πλεῖστον χρόνον λανθάνειν ἐφρόντιζεν. φωραθείς γέ τοι ὕστερον δίκην τίννυσι τὴν ἀξίαν.] ἦν δὲ θαυμάσαι ὅπως καὶ οὗτος τὰ συγγενῆ καὶ ἀδελφά, μᾶλλον δὲ κακίας τὰ πρῶτα καὶ τὰ νικητήρια τῆς τοῦ κατὰ Ῥώμην τυράννου κακοτροπίας ἀπηνεγεγμένος (*lib.* VIII,14,7-8). There are several duplicates here: πρὸς ἀδελφὸν τὴν κακίαν (7) ≠ τὰ συγγενῆ καὶ ἀδελφά (8) and πρὸς τὸν ἐπὶ Ῥώμης [τύραννον] (7) ≠ καὶ κατὰ Ῥώμην τυράννου (8). They can only be explained as the product of an insertion – the passage is marked by brackets in the quotation. The passage has been inserted into an account which – excluding additions – certainly comprises *cap.* 14, 1-18 *init.* The account is designed to characterize the two tyrants and their regimes in the East and the West respectively as displaying identical qualities ruinous to the Roman Empire. This account in itself constitutes part of a larger context because it is meant to introduce the story of Constantine and Licinius' annihilation of the two tyrants – the theme was established in *h.e.* IX, 9, 1. It is clear that Eusebius used as his model a text that was heathen in its approach and had a primary political purpose, namely to legitimize Constantine's and Licinius' respective rights to remove Maxentius and Maximinus as tyrants and to justify their subsequent annexation of their possessions. In other words, it was a piece of propaganda intended to provide ideological confirmation of Constantine and Licinius' new regimes after the deaths of Maxentius and Maximinus. It was probably issued by the imperial court as the official authentic account of the actual events. This can explain why Eusebius felt compelled to use parts of this text in a new revision of his church history – but he gave it as far as possible a Christian interpretation based on his own fundamental understanding of the significant elements in the sequence of events. The text must have been written after Maximinus' death in August 313, and that is the earliest possible date for Eusebius' use of it in his church history.

¹³ Constantine and Licinius defeated Maximinus and Maxentius respectively and then appeared together as the legitimate emperors of Rome, so it is entirely understandable that scholars have felt justified in concluding that they had fought together against the tyrants who then themselves entered into an alliance. This explanation was officially promoted – it most likely happened according to the wish and decision of the victorious rulers – first and foremost to discredit Maximinus because he had made an alliance with a ruler that had already been branded a usurper. This was obviously in Licinius' interest. He could then justify his removal of Maximinus who was the legitimate emperor of the East. Constantine too could use the fictitious story of an alliance between Maximinus and Maxentius to his advantage because by committing *perfidia* against his two fellow emperors, Maximinus had lost any right to the office of *maximus augustus* – so Constantine must take over. Seeing that both Licinius and Constantine benefited from spreading the story of an alleged pact of friendship between

It is quite clear that all factual difficulties presented by Eusebius' and Lactantius' accounts disappear when we realize that no alliance has ever existed between Maximinus and Maxentius. It is also clear why no one, according to Eusebius, had heard of any pact of friendship in the East before Maximinus' death – the story was not fabricated till then and this fact was concealed by claiming that Maximinus had wanted his alliance with Maxentius kept secret. Eusebius says that Constantine continued to treat Maximinus as his fellow emperor, and of course he had no reason to do otherwise as the latter had never entered into any pact with Maxentius and therefore had not engaged in any double game directed against Constantine. For that reason Eusebius could make his uncontested claim that Maximinus had not broken his pact of friendship with Licinius till the spring of 313 when he started a war against him. Nor did Eusebius need to explain when and how Maximinus was discovered and given his just punishment – there was nothing to discover and so nothing to punish him for. The idea of an alliance is more carefully worked into Lactantius' text, but here too, there is no reason to be surprised that Constantine did not learn of Maxentius' double game till he arrived in Rome and then he still pretended that nothing had happened. We can also abandon any attempt to explain how letters were exchanged, statues and pictures produced during the few wartime months during which the alliance was supposed to have lasted according to Lactantius!

Our analysis of Lactantius and Eusebius shows that they cannot be used to confirm the assumption that a pact of friendship was established between Maximinus and Maxentius. A critical assessment points in the opposite direction suggesting that this is a fictitious story which was created after Maximinus' death in 313. If we examine the other sources, such as coins and inscriptions, not to mention the panegyrists, we find nothing to explain why an alliance should have been formed between Maximinus and Maxentius.¹⁴

the two tyrants, it is difficult to decide if the story emerged first at the court of Licinius or at the court of Constantine.

¹⁴ Coins have been seen as evidence of an alliance between Maximinus and Maxentius. J. Maurice believed to have shown that Maxentius issued coins in Maximinus' name, see *Numismatique Constantienne* I, 196f and 280. Maurice has dated the coins incorrectly, however. They cannot have been issued before 313, cf. Groag in *RE* XIV, col. 2470. The editors of *Roman Imperial Coinage* VI seem to share this understanding; they mention no coins with Maximinus' name in their list of emission from Maxentius' *officinae* – and they follow tradition in referring to a pact between Maximinus and Maxentius as an indisputable fact. – As his reason to say that “Maxence marquit officiellement son allegiance envers le successeur de Galère comme premier Auguste”

D. de Decker states:” Les statues de Maxence dressées en Orient (LACT., *De mort. persec.*, 43, 3) survécurent d’ailleurs à sa chute (G.CODINUS, éd. BEKKER p. 169)” (*Byzantion* XXXVIII, 545, note 1). The reference names an anonymous work on the statues in Constantinople. It mentions just one statue of Maxentius on display in Constantinople, so Decker rather overestimates the significance of the passage. It may in fact be a simple misprint, and if it is not, then there is every reason to doubt its accuracy. Constantine himself saw to it that Maxentius was sentenced to *damnatio memoriae*, so it is difficult to believe that a statue of him was placed in the city that Constantine had founded – moreover, Maxentius was already known as a persecutor of Christians, and Constantine wished to appear as a Christian emperor and show this by giving the empire a new Christian capital, cf. *Christus oder Jupiter*, 231f. If we still accept the information as correct, it still cannot be used to support Lactantius’ statement because his point is that Maximinus and Maxentius were shown together in pictures and statues; that is clear if we add *cap.* XLIV,10 to *cap.* XLIII,3 referred to by Decker. Otto Seeck was the first to see the Arykanda inscription as evidence of an alliance between Maximinus and Maxentius: “Auf der Inschrift von Arykanda ..., die dem Ende des Jahres 311 angehört, sind die Namen des Maximinus und des Licinius gesetzt, aber dazwischen, wonach der offiziellen Reihenfolge Constantin stehen müsste, ein leerer Raum gelassen. Der Grund wird sein, dass die Untertanen Maximins nicht bestimmt wussten, ob ihr Herr nicht vielleicht Maxentius an Stelle Constantins als rechtmässigen Herrscher anerkannt habe. Dass eine Annäherung an den römischen Tyrannen stattgefunden hatte und das Verhältnis zu dem gallischen Kaiser ein gespanntes geworden war, scheint man danach schon 311 selbst in einer so abgelegenen Provinz wie Lycien gewusst zu haben, obgleich es noch nicht formell ausgesprochen war. Denn wäre dies schon damals geschehen, so hätte man eben den Namen gesetzt, nicht den Raum des zweiten Kaisers unausgefüllt gelassen” (*Untergang der Antiken Welt* I, 493 note 23). This argument has enjoyed unreserved support among scholars, but it is really too thin to be maintained. First of all, Seeck’s dating of the Arykanda inscription to the end of the year 311 is quite arbitrary. It probably originated in a period during which cities and provinces sent petitions against the Christians to the emperors, but that occurred from late 311 almost to the end of 312, so the inscription may as well date from 312. The official ranking of the emperors of the triarchy at the time was Maximinus, Constantine and Licinius, so the only question is why Constantine’s name was not listed. The reason must be that doubts had occurred whether Constantine was still to be regarded as a legitimate emperor alongside Maximinus and Licinius. A significant conflict must have arisen between Maximinus and Constantine to create such doubt among the provincials of the East. According to *De mort.* XLIII,3 Maxentius felt that the engagement of Licinius to Constantine’s sister constituted an *affinitas* directed against him. If we assume this to be correct – as we shall see, it is in fact more than doubtful – it could have created such tension that a break between Maximinus and Constantine became likely. Under such circumstances it is understandable that Constantine’s name was excluded but the same should have happened to Licinius’ name. The only remaining possibility is that Constantine’s invasion of Italy put such a serious strain on the emperors’ mutual relationship that a break was to be expected between Maximinus and Licinius on the one hand and Constantine on the other. This would have been most understandable because Constantine’s campaign attacked Licinius’ *de jure* possessions

The idea of an alliance between the two tyrants on the one hand and Constantine and Licinius on the other has been accepted by scholars not just because of uncritical readings of Lactantius and Eusebius but also because they have felt that the entire political situation asked for such a policy of alliance. But again critical analysis will show that the source material does not encourage such a conclusion.

An alliance with Maximinus would certainly have been most welcome to Maxentius. It would break his political isolation and offer him a new opportunity to be recognized as a legitimate emperor. An alliance could halt Licinius' long expected attack because he must expect Maximinus as Maxentius' ally to launch an attack in the rear from the east. Licinius would risk war on two fronts a dangerous likelihood of defeat. Therefore Lactantius assessed the situation perfectly correctly when he said that Maxentius could only see a breach of the alliance by Maximinus as a *diuinum auxilium*.

However, there is every reason to ask what benefits Maximinus would derive from an alliance with Maxentius. He had made a pact of friendship with Licinius and had been accepted as *maximus augustus* by both Licinius and Constantine. An alliance with Maxentius would really just jeopardize his political position. He would have to acknowledge Maxentius' rights to Italy, North Africa and Spain, and that would bring him into conflict not just with Licinius but also with Constantine. Maximinus would then have to accept that he drove them into each other's arms and that they would form an alliance as a countermove and to fight him and Maxentius. They could even justify the fight by pointing out that they were legitimate emperors whose rights had been violated – and they could accuse Maximinus of ignoring the established order of government through his connection with Maxentius and risking the internal peace and security of the Empire.

If Maximinus had wanted to find new allies in order to increase his power, Maxentius was in any case the worst possible choice. All collaboration with Maxentius would be marked because he had been branded a

– and that was a most valid reason for asking if he had not behaved as a usurper and lost his right to the title of emperor. It makes sense to assume that this uncertainty meant that it was deemed appropriate to leave Constantine's name out of the Arykanda inscription for the time being. That also means that the inscription probably dates from the autumn of 312 by which time news of Constantine's successful invasion had reached the East. The connection that Seeck sees between the exclusion of Constantine's name and recognition of Maxentius as legitimate emperor is completely arbitrary but can also be seen as a characteristic example of the extent to which an alliance between Maximinus and Maxentius has become a natural frame of reference within which scholars interpret the material.

usurper, but Maxentius had also been weakened to such a degree that he was incapable of offering any active contribution or any real support if it came to an armed struggle. Closing a pact of friendship with Maxentius would therefore be tantamount to committing political suicide – he had everything to lose and nothing to gain by such a move. Our analysis of Maximinus’ government so far has shown him to be anything but a political fool, so we must conclude that nothing in Maximinus’ political position motivated any rapprochement to Maxentius. Our sources contain no material that supports the assumption directly or indirectly of a pact of friendship between Maximinus and Maxentius. They offer information which upon critical analysis points in a completely different direction and which in reality hint at the contours of a series of events of a very different nature that scholarship so far has indicated.

After Galerius’ death, Maxentius had also attempted to gain recognition as a legitimate emperor. His coins clearly showed that he based his claim on the imperial honours on his status as a real descendant of the Jovian-Herculean family. He issued coins to honour and recognize Herculius Maximianus, Galerius and Constantius. Maxentius was rejected, however, by Maximinus and his two fellow emperors. He reacted by rejecting Maximinus’ consular appointments and choosing himself as consul.¹⁵ This was his official proclamation of his breach with the triarchy headed by Maximinus. He continued to strike coins in honour of Maximianus, Galerius and Constantius, so he demonstrated that he still regarded himself as sole legitimate representative of the Jovian-Herculean imperial family. These facts show clearly and directly that no rapprochement had occurred between Maximinus and Maxentius.

According to Lactantius, Constantine’s sister had become engaged to Licinius – and so the two emperors were connected in an *affinitas*.¹⁶ This information must be correct because Licinius celebrated his wedding to Constantia in Milan at the beginning of the year 313.¹⁷ From the entire context in Lactantius, it appears that the engagement took place after Maximinus and Licinius had closed their pact of friendship and at the latest when war broke out between Constantine and Maxentius¹⁸ – most like in the autumn of 311. Just like the other marital relations among the emperors this engagement must have served a political purpose. We are probably not

¹⁵ Cf. A. Degrassi, *I Fasti Consolari*, 78.

¹⁶ See *De mort.* XLIII,2. It was Constantine’s sister Flavia Julia Constantia.

¹⁷ See *cap.* XLV,1.

¹⁸ The outbreak of war must have been *terminus ad quem* because as we shall see it meant that Constantine crossed Licinius’ plans and placed himself in opposition to him.

entirely wrong in assuming that it was designed to confirm the friendly relations that had been created between Constantine and Licinius. This can only have come about as the result of negotiations that have removed all conflicts between the two emperors – specifically, Constantine must have acknowledged Licinius’ right to Italy and North Africa. Given that Constantine had seen himself as the wronged party ever since the Carnuntum conference, it seems likely that he approached Licinius to establish friendly relations with him. Even though no actual pact of friendship was established between Constantine and Licinius as in the case of Maximinus and Licinius, this successful initiative can only be seen as a new significant step towards consolidation of the harmonious cooperation that existed among the emperors of the Triarchy. There is no reason to believe, as suggested by Lactantius, that Maximinus perceived this new *affinitas* between Constantine and Licinius as directed against himself. The pact of friendship that Maximinus had closed with Licinius remained in force.

According to another source, however, Constantine was supposed to have approached Maxentius and even offered him a pact of friendship. The source is the *panegyricus* which Nazarius, the famous rhetor from Bordeaux, gave in Rome on 1 March 321 to mark Constantine’s *quindecennalia* and his two sons Crispus’ and Constantine’s *quinquennalia* as *caesares*. The theme of the address was the liberation of Rome from Maxentius’ tyrannical rule.

Nazarius says that Maxentius was incapable of governing as emperor and therefore his rule developed into tyranny.¹⁹ It led to suppression that threw Rome into the deepest misery and humiliation.²⁰ Constantine took pity on Rome and felt obliged to liberate her, put a stop to her current wretched condition and return her to her former grandeur and glory.²¹ He

¹⁹ Cf. *Paneg.* X (321),8,2: *Iamdudum quippe peruideras hominem non imperando habilem, non tantae maiestatis capace, quod magnitudo male crediti muneris extra animi angustias effluebat. Quam qui tueri nequeunt, ubi sub tanto onere fortunae infirmitas lapsa est, faciunt licentiam de potestate.* In another passage the panegyrist claims that the tyrant’s vices created the repressive regime that Rome suffered under: *scelus, perfidia, audacia, importunitas, furor, cruenta crudelitas, superbia, arrogantia, luxuria* and *libido*, see *cap.* 31,3. It is remarkable that Maxentius is not criticised for being a usurper but for his neglect and abuse of the imperial office through his depraved personality.

²⁰ Cf. *cap.* 3,3: *... urbem Romam non praecipitantem exceperit [Constantinus], sed afflictam ac plane iacentem excitarit*

²¹ Cf. *cap.* 6,2: *Quae demersa quondam tyrannidis impiae malis et quo maior eo miserabilior maiestatis pristinae decus ad misericordiae ambitum conferebat, and 4: Gessisti bellum, imperator maxime, quod tibi non minus honos urbis imposuit quam eiusdem aerumna persuasit.*

had no immediate plans of taking up arms against Maxentius; he wanted to achieve his goal by peaceful means.²² Therefore Constantine was eager to reach an understanding and form an alliance with him.²³ Nazarius is at pains to emphasize that this offer of an alliance in no way meant that Maxentius was given the freedom to continue to plague and ravage Rome. Constantine's sole motive was to use an association with Maxentius to remove or at least restrict his vices that had lead Rome into misery.²⁴ Constantine only sought the *quies* and *pax* of the Empire.²⁵

But Maxentius refused the offer of an alliance with Constantine.²⁶ The panegyrist found it understandable as virtue and vice could never find any common ground, but he still wondered about the refusal. The alliance offered by Constantine gave Maxentius much more than he had ever dared imagine.²⁷ Maxentius could not possibly have believed, so the panegyrist reasons, that after a refusal Constantine would allow him to continue to practice his tyrannical rule, and if war broke out, it was difficult to see how he could have any hope of victory given Constantine's previous successes.²⁸ Nazarius can only find one possible reason why Maxentius refused Constantine's offer; he must have believed that he could surprise him by deception.²⁹ The panegyrist offered no details but merely stated that

²² Cf. cap. 9,1-2: *Ferebas tamen, imperator, ferebas illum in tantis malis ludentem et, cum omnia tu scires uota hominum, coniuuenti patientia fatigabas, qui ne sic quidem iniuste arma caperes, etsi nondum ab homine lacessitus, iam tamen uitiorum eius inimicus, sed (quod erat consentaneum clementiae tuae) experireris remedia molliora ut, quod leniri quam resecari malle, mitior medicina sanaret.*

²³ Cf. cap. 9,3: *Quin extorques animo tuo et conueniendi studium et concordiae uoluntatem*

²⁴ Cf. cap. 9,3: *Et non dubito quin hanc rationem caelestis prudentia tua duxerit, quod coniunctione sua flagrantissimas hominis cupiditates uel extinqueret penitus uel modice temperaret, and 5: ... ut appareat te, imperator optime, concordia impetranda non illi impunitatem uexandae urbis daturum, sed leniorem petisse uictoriam, cum malle uitia eius quam arma superare.*

²⁵ Cf. cap. 10,2: *Perpendit scilicet secum excellens prudentia tua eique semper pietas applicata omnes concordiae commoditates: illam esse fundamentum ac radicem otii, bonorum ciuiliu seminarium, quietis publicae segetem et almam, pacis altricem.*

²⁶ Cf. cap. 10,3: *Vocas [sc. Constantinus] ad societatem: appetitum tuum refugit, auersatur, horrescit, nihil sibi putat tecum commune*

²⁷ Cf. cap. 11,1: *Licet non sit in his ratio desideranda qui semel de uia praecipites ire coeperunt, mirari tamen non queo cur id delatum non amplexus sit quod impudens esset si auderet optare.*

²⁸ See cap. 11,2-3.

²⁹ Cf. cap. 11,4: *Dolis, credo, existimauit decipi posse.*

Constantine saw through his deceitful behaviour.³⁰ When Maxentius then reacted by destroying Constantine's pictures he clearly showed that he wanted no reconciliation or association with Constantine.³¹ His rejection forced Constantine much against his will to take up arms against him.³² That was the panegyrist's version!

Many details in his account are obscure. But one point is clear: Constantine had offered Maxentius friendship and an alliance – the words *concordia* and *societas* allow for no other interpretation. Scholars have given little attention to this information. It is as if they have decided in advance that the panegyrist's account can have no historical value. This is groundless!

Nazarius described how Constantine had liberated Rome from Maxentius' tyrannical rule, and that was not just because the speech was given in Rome. The choice of subject was probably also motivated by the panegyrist's wish to show how unfounded were the accusations directed against Constantine in relation to his Italian campaign. His strong emphasis on Constantine's attempts to make Maxentius stop his tyrannical rule by peaceful means was designed to counter the accusation that he was belligerent. The same is true of his almost demonstrative emphasis on the reluctance with which Constantine took up arms and only because it was a *bellum iustum*. The eagerness with which the panegyrist insisted on the real purpose of Constantine's offer of an alliance with Maxentius only makes sense if we assume that Constantine was accused of having opened negotiations with a usurper and so neglected the internal peace and unity of the empire.³³

³⁰ Cf. *ibid*: *Sed non uirtus tua de congressione quam prudentia est de fraude securior. Quis enim ad praesentiendum sagacior? quis uigilantior ad uidendum?*

³¹ Cf. *cap. 12,1-2: Cum spes omnis frigere debuerit et voluntas pacificandi alienata sit, quis dubitet diuinitus armis tuis deditum, cum eo dementiae processerit ut ultro etiam lacesseret quem ambire deberet? ... ecce enim, pro dolor! (uerba uix suppetunt), uenerandarum imaginum acerba deiectio et diuini uultus litura deformis.*

³² Cf. *cap. 13,4: Pugnasti igitur, imperator, coactus quidem, sed hoc maxime uictoriam meruisti quia non desiderabas. Optasti pacem, sed ignosce si plus omnium uota ualuerunt.*

³³ Licinius and his supporters at court were probably behind these accusations. In about 321 open conflict had erupted between Constantine and Licinius – both were preparing for the final showdown, see *Christus oder Jupiter*, 212ff. As part of their preparation for war, the two emperors must have opened a public controversy designed to discredit each other. Nazarius' *panegyricus* is evidence of this. Licinius and his followers seem to have thought it a good weapon of attack against Constantine to highlight the specific conditions of his Italian campaign. That provided the basis for accusations against him of seeking cooperation with a usurper and thus deceiving the legitimate emperors. The fact that Constantine took up arms against him anyway, they felt, showed

In his rejection of these accusations, Nazarius typically does not deny that Constantine had offered a pact of friendship to Maxentius. He merely emphasizes that he did so for the noblest reasons. If the accusation had been groundless it would probably have been categorically rejected. It would have been far too dangerous not to disclaim any point that could provide even the smallest element in an accusation that he wished to collaborate with a usurper. The seriousness of the matter became clear from the assumption that Maximinus could be discredited by accusing him of striking an alliance with Maxentius! Nazarius had phrased himself in such a way that Constantine was still under justified suspicion of having committed exactly the same *perfidia* as Maximinus had been accused of. The reason why Nazarius did not make it perfectly clear that there was absolutely no basis for such a dangerous accusation, can only have been that it was impossible to deny that Constantine had sought *concordia* and *societas* with Maxentius.

The panegyrist gives no details of this alliance – he probably deemed it improper out of concern for Constantine to discuss the subject. Some of his remarks do imply, though, that Constantine must have offered to acknowledge Maxentius' right to the possessions he already controlled – in return for Maxentius' acceptance of his political supremacy.³⁴

Constantine was engaged in a dangerous diplomatic double game. He had established friendly relations with Licinius and confirmed them with the engagement between him and his sister Constantia, and at the same time he had attempted to make an alliance with Maxentius. The latter initiative meant that he had conspired with a usurper against the legitimate emperor – he was even prepared to take from Licinius what was his *de jure* and give it to Maxentius.

Constantine's double game shows that he had not been sincere when he demonstrated a will to cooperate with Maximinus and Licinius. He had by no means abandoned his declaration from 310 according to which *imperium* was rightfully his alone. He still wanted to be if not the sole ruler of the Empire then the one to exercise ultimate political power.

On that background Constantine can only have viewed very critically the pact of friendship made between Maximinus and Licinius. In practical terms it meant that Licinius could concentrate on the preparations for the attack on Maxentius designed to give him control of Italy and North Africa.

that his word was not to be trusted – he was an adventurer who prioritized his own ambitions above the true interests of the Empire. One should avoid contact with this man – for the good of the Empire he must be opposed.

³⁴ This is presupposed in Nazarius' account in *cap.* 9,3.

If Licinius prevailed, Constantine's power and influence would be restricted to Britain, Gaul and Spain. He had no way of increasing his power because that would mean open confrontation with a strong Licinius who could even count on Maximinus' friendship and support. Constantine's approaches to Maxentius must be seen as a countermove to stop such a development. If he could secure this alliance, Licinius had no chance of conquering Italy and North Africa. He would be confined to the Balkans whereas Constantine had won the political leadership of the West and created new opportunities for himself to secure the decisive political influence in the empire.

In order to realize his political goals Constantine would not shy away from betraying Licinius to seek alliance with his enemy, and that should no longer be a surprise to us. Back in 307-08 he had promoted his own power base by supporting Maxentius and Maximianus whom the legitimate emperors had branded as usurpers – and at the same time he had cleverly stalled until it became clear which of the two opponents he would benefit from assisting. After the Carnuntum conference in 308, Constantine had in reality broken off diplomatic relations with Galerius when his policies got in his way and re-established connections with the legitimate rulers when he found this to serve his best interests. Ever since 306 Constantine had shown himself to be an opportunist guided only by his wish to obtain political power and influence. He made political deals and alliances only to further his own interests. The same was now true of his relationship with Maxentius and Licinius.

Nazarius had expressed his surprise that Maxentius had rejected Constantine's offer of *concordia* and *societas*. His reaction seems well-founded; one would have thought that Maxentius badly needed an alliance when faced with Licinius' imminent attack. As we have said, the panegyrist could find no other explanation than the assumption that Maxentius hoped to ensnare Constantine by cunning and deception. He limited himself to this cryptic remark probably for the simple reason that closer inspection of these matters would not benefit Constantine's name and reputation! We should point out, though, that the panegyrist's enigmatic statement only says that Maxentius tried to trick Constantine – it does not say that Maxentius had broken off connection with Constantine. At least we can say that until Constantine's invasion of Italy, Maxentius saw him as an ally from whom he need fear no attack.³⁵ This does not prove that an alliance had

³⁵ We can conclude this from the fact that Maxentius had gathered large armies on the borders with Licinius' territory but he had placed insignificant numbers of troops in the districts of Italy that bordered on Gaul where Constantine ruled, see also at note 45.

been made between them but it does indicate that no open breach had occurred between them. If we add this fact to Nazarius' claim that Maxentius behaved deceitfully towards Constantine, we must take it to mean that Maxentius had been open to Constantine's offer of an alliance but he had also tried to use it to cross his plans. Maybe Maxentius wanted to use Constantine's proposal as a means to provoke recognition of himself as a legitimate emperor from Maximinus and Licinius – if they refused to come to an agreement with him, he could threaten with an alliance with Constantine. We cannot blame Maxentius for maybe having engaged in such double dealing! Experience can only have taught him that Constantine was a clever opportunist who should not be readily trusted – and in any case such behaviour would only have followed the pattern of political blackmail that Constantine himself had practised in 307. These assumptions seem probable also because they explain why Nazarius found it useful only to mention Maxentius' betrayal of Constantine without indicating the nature of his double game. If he had given details, he would simply have placed Constantine in a less than flattering light.

2. The background to Constantine's fight against Maxentius

A Gallic rhetor unknown to us gave an address to Constantine probably in the summer of 313 at a festival in Trier to celebrate his successful Italian campaign – this was in fact the official account of Constantine's fight against Maxentius. The panegyrist immediately raised the question what had made Constantine, unlike the other emperors, start a dangerous war against Maxentius.³⁶ His initiative was even more surprising because nearly all Constantine's personal advisors had warned against it just as the augurs had predicted that a war against Maxentius would result in a catastrophe.³⁷ The only possible reason why Constantine insisted on his plan must be that unlike everybody else he was in contact with the supreme deity – and he had given him the idea to liberate Rome and strengthened his resolve to

³⁶ Cf. *Paneg.* IX (313),2,1: *Ac primum illud adripiam quod credo adhuc neminem ausum fuisse, ut ante de constantia expeditionis tuae dicam quam de laude uictoriae,* and 3: *Tene, imperator, tantum animo potuisse praesumere ut bellum tantis opibus, tanto consensu auaritiae, tanta scelerum contagione, tanta ueniae desperatione conflatum quiescentibus cunctantibusque tunc imperii tui sociis primus inuaderes?*

³⁷ Cf. *cap.* 2,4: *Quisnam te deus, quae tam praesens hortata est maiestas, ut, omnibus fere tuis comitibus et ducibus non solum tacite mussantibus, sed etiam aperte timentibus, contra consilia hominum, contra haruspicum monita ipse per temet liberandae urbis tempus uenisse sentires?*

accomplish it.³⁸ The panegyrist even includes documentation of the hazardous nature of Constantine's undertaking. The aggressive Germans kept so many troops tied up on the Rhine that Constantine could only use a quarter of his troops to invade Italy. In numbers, he was greatly inferior to Maxentius who had 100,000 men at his disposal³⁹ – and they were trained Roman soldiers well-equipped and ready to fight to the death for him.⁴⁰ The panegyrist also says that Constantine made his decision to attack Maxentius rather suddenly. No plans or any other provisions seem to have been made in preparation for a campaign against him. Therefore Constantine's decision came as a great surprise to his surroundings. It is also remarkable that not only did he make the decision alone; he maintained it in the face of universal opposition. The panegyrist had very good reasons to ask what had

³⁸ Cf. *cap.* 2,5: *Habes profecto aliquod cum illa mente diuina, Constantine, secretum, quae delegata nostri diis minoribus cura uni se tibi dignatur ostendere.*

³⁹ Cf. *cap.* 2,6: *Rhenum tu quidem toto limite dispositis exercitibus tutum reliqueras...*, and 3,3: *Vix enim quarta parte exercitus contra centum milia armatorum hostium Alpes transgressus es* From *cap.* 5,1-2 it appears that Constantine's invasion forces counted fewer than the 40,000 men Alexander the Great had brought together to invade Asia. *Zos.* II,15,1-2 states that Constantine had gathered approx. 90,000 infantry men and 8,000 cavalry men for the start of the invasion of Italy, whereas Maxentius had mobilized 170,000 infantry and 18,000 cavalry. These numbers must be rejected as heavily exaggerated, though – it is quite an arbitrary assumption shared by Otto Seeck, see *Untergang der Antiken Welt* I, 494, note 13, that the numbers refer to Constantine's complete combined forces. The numbers given by the panegyrist must be accepted as more realistic, although we must also ask if they are perhaps inflated. We have no other way, however, of establishing the numbers with any greater precision.

⁴⁰ Cf. *cap.* 5,3: *tibi uincendi erant milites, pro nefas! paulo ante Romani, armis omnibus more primae classis armati et pro facinorum conscientia nunquam nisi morte cessuri.* The panegyrist also considered Maxentius to be a formidable opponent because he had built up substantial financial reserves for the war, see *cap.* 3,5-6. Maxentius had also established a very strict rule which had removed all opposition, and he had faithful supporters placed all over Italy, and last but not least, he could appear as defender of *maiestas Romae*, cf. *cap.* 3,6-7. However much the panegyrist wished to describe Maxentius as a tyrant in contrast to Constantine as a benign, devout and just ruler, see *cap.* 4,4, he cannot ignore the fact that Maxentius was strong both in military and political terms. Of course, we must consider the possibility that the panegyrist had emphasized Maxentius' great strength in order to set off Constantine's achievement, but that does not appear to have happened in this case. Maxentius' rule was in fact much better founded than suggested by the traditional perception of Maxentius which is based largely on Eusebius' account in *h.e.* VIII,14,1-6 and 16-17. This also explains why Licinius did not attack Maxentius although he had been made *augustus* for the specific purpose of fighting him – he obviously found it necessary to make comprehensive and careful preparations before he felt ready to engage in such a difficult undertaking.

inspired Constantine to make the decision and implement it in spite of all warnings. He offers no answer, though, apart from his suggestion that Constantine acted in accordance with the supreme deity.

On the other hand the address contains information that allows us to form an impression of the military situation prior to Constantine's Italian campaign – and that hints at an answer to the panegyrist's question. It is clear that from the beginning of the year 312 at least, Maxentius was prepared for war. He had placed the defence of Rome on alert by moving troops to the city and bringing in supplies of food for an extended siege.⁴¹ His main military force was stationed at Verona under skilful leadership,⁴² while other troops were deployed near Aquileia.⁴³ In other words, Maxentius had fortified the places that controlled the roads to Rhaetia and Pannonia over the Brenner Pass and to Illyricum over the Julian Pass. He had placed troops of no significant size in the areas bordering on Gaul. The important border fortress Segusio controlled the most important of the roads across the Alps between Gaul and Italy, and it was so sparsely manned that Constantine had no trouble seizing it in spite of its strong fortifications.⁴⁴ Subsequent battles in Northern Italy also showed that no significant army troops had been stationed in the western part of *Transpadana*.

This deployment of Maxentius' troops sends a very clear message. He regarded Licinius as his enemy, and he wished to counter the attack he expected from him by placing his principal forces at the strategically important cities of Verona and Aquileia – he had then blocked all roads from Licinius' territories into Italy.⁴⁵ Maxentius expected no attack from Constantine. As we have hinted the only suggestion must be that Constantine's offer of an alliance had created such good relations between them that Maxentius had no need to fear that he would take up arms against him.

The question why Constantine suddenly decided to begin a war against Maxentius seems to have the obvious answer that he saw his chance to blast his way into Italy and so pre-empt the attack he expected from Licinius. If he was to be successful the surprise element had to be used to its full potential – Maxentius must not be given the time or the opportunity

⁴¹ See *cap.* 14,2.

⁴² Cf. *cap.* 8,1: ... *Verona maximo hostium exercitu tenebatur, acerrimis ducibus pertinacissimoque praefecto, scilicet ut, quam coloniam Cn. Pompeius aliquando deduxerat, Pompeianus euerteret.*

⁴³ See *cap.* 11,1.

⁴⁴ See *cap.* 5,4-5.

⁴⁵ The panegyrist of 313 does not say whether Maxentius' preparations for war were designed for attack or defence. The fact that he had prepared Rome's defences for a protracted siege seems to point to the first option as the correct one.

to establish a line of defence against Constantine's invading forces, much less allow him to come to an understanding with Licinius and set up a joint front with him. This is not enough, though, to explain why Constantine made this sudden decision to invade Italy and uphold his decision in the face of universal warnings that it would end in disaster. It is obvious that no preparations at all had been made for an invasion – and a surprise war, as we know, requires careful planning if it is to succeed! What forced Constantine to depart in great haste and move into Italy with apparently quite insufficient troops? Maybe Nazarius' comment on Maxentius' deceitful behaviour towards Constantine that we have already mentioned, can point us in the direction of an answer.

We suggested as the most likely interpretation of this cryptic statement the assumption that Maxentius had been keen to cooperate with Constantine but that he also tried to use his offer of an alliance to provoke recognition of himself as emperor from the legitimate rulers.⁴⁶ Constantine may have learnt of Maxentius' double game. Then he immediately realized that when his fellow emperors discovered the truth of the matter, he would be found out. He would then appear to have committed *perfidia* by seeking an alliance with the usurper Maxentius while creating friendly relations with Licinius and acknowledging Maximinus as *maximus augustus*. That would mean not just the end of any hopes of an alliance with Maxentius⁴⁷ but also that the only outcome would be that he had jeopardized his position as a legitimate emperor. He would have to give serious consideration to the possibility that Licinius and Maximinus would break with him and maybe even disable him by joining forces with Maxentius.

Only one option really remained for Constantine if he wanted to escape from the situation he had created with his machinations. He must invade Italy immediately and without hesitation, attempt to defeat Maxentius and seize his possessions before Licinius began his planned attack on Maxentius. Constantine had the advantage that Maxentius expected no attack at all – so he had the chance to surprise him and through swift military action retain the initiative in northern Italy. It was still quite understandable that Constantine's advisors warned him against such a hazardous undertaking.

⁴⁶ For the sake of completeness we should add that Nazarius was wrong when he claimed that Maxentius had rejected outright Constantine's offer of an alliance. But that also disproves his claim that Maxentius destroyed Constantine's pictures and that this clear rebuff had left Constantine with no other option than to use armed force to destroy the tyrant of Rome.

⁴⁷ The fact that Constantine had not deployed any troops or made any other preparations for war against Maxentius seems to suggest that he had been absolutely certain of Maxentius' acceptance of his offer of an alliance.

No preparations had been made for such a demanding war and invasion, and most of the troops were tied up on the Rhine, whereas Maxentius had large well-equipped forces at his disposal. Finally, an Italian campaign would most likely fail because Constantine would invade territories which belonged to Licinius *de jure* – it would be an obvious act of hostility against him on Constantine's part. Therefore Constantine must expect to get involved in an armed conflict with Licinius. There were many and good reasons to expect that he would meet with defeat and failure, but Constantine had no alternatives. His only chance to avoid the political defeat that loomed would be to go on the offensive. It was now or never if he was to keep the possibility of becoming the true ruler of the Roman Empire!

For the understanding of the background to Constantine's fight against Maxentius, we only have sources that obscure or even conceal the reality of the situation.⁴⁸ Therefore it has been necessary to project the material that has been critically sifted to try to create a coherent picture of the real sequence of events. In this way, we cannot avoid working with hypotheses of actual occurrences, but we do not abandon ourselves to complete arbitrariness – the hypotheses are valuable to the extent that they can let the sources come into their own.

Based on this criterion, we must at least reject the almost universal understanding that the period between Galerius' death in 311 and Maximinus' fall in August 313 was shaped by the alliances between Maximinus and Maxentius on the one hand and Constantine and Licinius on the other. It is true that Lactantius and Eusebius had promoted such an interpretation but as we have already seen it is quite groundless even from their own texts – and we can add that neither the anonymous panegyrist nor Nazarius in 313 and 321 respectively even hints at the existence of such alliances.⁴⁹ Accepting the Christian authors' accounts merely creates great difficulties in understanding the sources – curiously enough, this has never been rea-

⁴⁸ Cf. Groag in *RE* XIV, col. 2470: “Der Ursprung des Bürgerkrieges erscheint dunkel; die unmittelbaren Ursachen eines Krieges werden immer verschleiert und sind in diesem Falle noch weniger durchsichtig als sonst, da wir nur die Darstellung des Siegers kennen”.

⁴⁹ *Paneg.* IX (313),2,3 says: ... *quiescentibus cunctantibusque tunc imperii tui sociis primus inuaderes* and it is quite clear that Constantine acted on his own unlike Maximinus and Licinius who remained passive. If a pact of friendship had existed between Maxentius and Maximinus, we could have expected Nazarius to have mentioned this in order to show what he was aiming at when he mentioned Maxentius' deceitful behaviour towards Constantine, cf. *Paneg.* X (321),11,4 – we know from Lactantius' account of the death of the persecutors that the idea of a pact of friendship had existed at least since 315.

lized clearly and precisely. If an alliance had existed between Constantine and Licinius, it is difficult to understand why Maxentius did not find it necessary to station as many troops in the western part of *Transpadana* as were needed to protect himself against an attack from Constantine just as he had made preparations to withstand an attack from Licinius' troops. If Constantine and Licinius had been allies, it is equally difficult to understand that they had not sought to coordinate their military operations. If Constantine had deployed troops as Licinius did and if they had attacked at the same time, they would have had the best chances of crushing Maxentius' troops because he would have had to fight on two fronts. If an alliance had existed between them, it is also impossible to explain why Constantine's civil and military advisors along with the augurs predicted defeat. No military catastrophe seemed likely if Licinius, who had already gathered numerous troops on the border with Maxentius' possessions, had thrown them into Italy to assist his ally. These critical questions should suffice to show the unreasonable consequences of maintaining that Constantine and Licinius were allied against Maximinus and Maxentius. The account below of the military and political developments should serve as further evidence of this.

3. Constantine's Italian campaign

Constantine's Italian campaign began in the spring of 312 as soon as weather conditions opened the Alpine passes.⁵⁰ In great haste, he had led his troops – probably his *comitatus*, his standing army – from the front on the Rhine southwards to take them across the Alps at Mont Genève.⁵¹ At this point the road into Italy was guarded by the border fortress of Sugessio. As we have said, Constantine attacked so swiftly and unexpectedly that his soldiers took the city immediately in spite of its strong defences.⁵² He then moved on Turin. Here he clashed with a fresh army with excellent

⁵⁰ We have reasonably good information on the battles in North Italy from *Paneg.* IX (313) and X (321) – they supplement each other excellently. Lactantius and Eusebius concentrate almost exclusively on the battle of the Milvian Bridge, see *De mort.* XLIV,1-9 and *h.e.* IX,9,2-8. Lactantius' detailed account is particularly significant in this context.

⁵¹ This appears from *Paneg.* IX (313),5,4-5: *non credentes illi quidem, ut audio, ipsum te adesse (quis enim crederet tam cito a Rheno ad Alpes imperatorem cum exercitu peruolasse?)....*

⁵² See *Paneg.* IX (313),5,4-6 and X (321),17,3 and 21,3.

morale.⁵³ Its core consisted of the dangerous and feared armed cavalry (*clibanarii*), but Constantine had developed a new tactic by which he could break up the army and put it to flight.⁵⁴ When the citizens of Turin refused to open the gates to Maxentius' fleeing soldiers, they were cut down – the citizens surrendered to the victor.

Constantine had explained his war of aggression by saying that he wished to free the repressed population from the tyrant Maxentius. He, on the other hand, attempted to create resistance to Constantine by pointing out that his father's death must be avenged by the murder of his killer.⁵⁵ The most decisive motive for the popular opinion was probably Constantine's military victories and the fact that he did not allow his troops to engage in looting of any kind.⁵⁶ The other North Italian cities followed the example of Turin and sent deputations to Constantine offering surrender and supply of food for his further advancement.⁵⁷ It was of great significance that Milan, the former imperial residential city, surrendered to Constantine without a single blow being struck.⁵⁸

When Constantine had created a firm footing in the western part of *Transpadana*, he took his troops east. At Brescia, he clashed with a large army of cavalry men eager to fight. They had moved out of Verona to halt

⁵³ Cf. *Paneg.* IX (313),6,2: *tibi paulo post alia in Taurinatibus campis pugna pugnatata est, non tripidantibus ex uictoriae tuae rebellibus, sed iratis incensisque ad ulciscendum animis* Judging from our sources, this was a considerable army force. From *cap.* 6,5 it appears that it cannot have been stationed in Turin. Considering its size, it must have taken time to collect it and send it probably from the eastern parts of *Transpadana* to the Turin area. This could indicate that Maxentius may have expected a break with Constantine because of his double dealing and have taken the first steps to secure his western flank but had not had the time or maybe the opportunity to establish efficient border protection.

⁵⁴ See *Paneg.* IX (313),24 and X (321), 22,2-24,5.

⁵⁵ Cf. *De mort.* XLIII,4: *iam enim bellum Constantino indixerat quasi necem patris sui uindicaturus.* Lactantius was wrong in suggesting that Maxentius had initiated the war against Constantine. It is likely, though, that Maxentius attempted to strengthen morale by presenting the war against Constantine as revenge for the murder of *divus Maximianus*.

⁵⁶ Cf. *Paneg.* IX (313),6,1: *ille [C.Caesar] non potuit captos a direptione defendere, tibi licuit clementiam tuis uictoribus imperare.* According to Nazarius, Constantine had won the support of the Sugesian citizens by having his troops put out the fire that had started when the city had been seized: *et longe operosior clementia eius quam fortitudo perspecta est, cum plus in conseruanda urbe quam in capienda fuerat laboris oreretur* (*Paneg.* X (321),21,2).

⁵⁷ See *Paneg.* IX (313),7,4.

⁵⁸ See *cap.* 7,5.

his progress. In the very first attack Constantine's troops broke it up and it sought protection behind the strong battlements of Verona.⁵⁹

Constantine's primary objective for his eastern advancement was the capture of Verona.⁶⁰ It was heavily fortified and its excellent location on a bend in the River Adige made it difficult to take. It was even defended by Maxentius' principal army lead by skilful Pompeianus Ruricius. He seemed at first to have prepared for a siege, but when Constantine succeeded in encircling the city, he changed tactics. Ruricius attempted to break out of the circle but he was driven back and sustained heavy losses. A new attempt to break through was successful, however, and when he had gathered his troops Ruricius began an open battle with Constantine.⁶¹ The first fighting was heavy and lasted from the afternoon till well into the night. Only then did Constantine manage to bring home a narrow victory.⁶² The battle sealed Verona's fate, and her defence army soon surrendered. Constantine had not just destroyed Maxentius' principal army. He also controlled the road between Rhaetia and Pannonia and Italy. Even before Verona had stopped fighting, Constantine had seized Aquileia and thus controlled the access to Italy from Illyricum.⁶³ He soon captured all the remaining cities in North Italy.⁶⁴ Then Constantine had absolute control of all of North Italy.

In their accounts of Constantine's campaign the panegyrists do not even mention Licinius' existence let alone refer to the preparations that he himself had made for an attack on Maxentius. If an alliance had existed, as has been universally believed, between Constantine and Licinius, this silence would in itself be remarkable. If they had been allies, Licinius' inactivity is quite mysterious. A good strategy would, after all, have required Licinius to attack Maxentius' army, if not before then no later than the time when Constantine was establishing his siege of Verona. Then the allies could

⁵⁹ Cf. *Paneg.* X (321),25,1: *Quid ego referam post tantam et tam grauem pugnam quod apud Brixiam magnus quidem et acer equitatus, sed fuga quam ui sua tutior et primo impetu tuo pulsus Veronam usque contendit ad praesidia maiora?*

⁶⁰ For details of the battle of Verona, see *Paneg.* IX (313),8,1-13,5 and X (321),25,2-26,4.

⁶¹ Cf. *Paneg.* X (321),25,7: *Idemque Ruricius magna suorum clade reiectus in moenia, spe iam lassa, et adhuc mente uesana cum se Verona proripuisset, nouos eodem egit exercitus et praecipitante iam die bellum non detrectauit, pugnae auidior quam salutis.* The new troops that Ruricius had gathered were probably those that had been stationed along the way up to the Brenner Pass cf. O. Seeck, *Untergang der Antiken Welt* I, 123.

⁶² Constantine may have been victorious because Ruricius was killed in the fierce fighting, see *Paneg.* IX (313),10,3 and X (321),25,7.

⁶³ See *Paneg.* IX (313),11,1.

⁶⁴ See *Paneg.* X (321),27,1.

have joined forces and destroyed Ruricius' troops in a two-pronged manoeuvre and then march quickly on Rome before Maxentius could establish any lines of defence. None of this happened! Instead, the sources show that Ruricius could draw troops from the entire Verona area as if he feared no attack from Licinius. Constantine had to fight alone which meant that he only avoided a military disaster by a very narrow margin. These facts are powerful disclaimers of any alliance between Constantine and Licinius. On the contrary, they only allow for one explanation that Licinius remained completely passive because he wanted Constantine to suffer defeat. Ruricius knew this, and so he could collect all available troops without any fear that Licinius would take advantage of his bared flank.⁶⁵

A crucial point is that from the account we have given of the background to Constantine's Italian campaign, we can draw a clear and coherent picture of the military operations in North Italy. Of course, Constantine realized that his invasion of Italy could be justifiably perceived by Licinius as a hostile act – he attacked the possessions that belonged to him *de jure*. Therefore Constantine must expect him to turn his weapons on him, so as soon as he had found a footing in North Italy, he must move his troops quickly eastwards for the double purpose of liquidating Maxentius' principal army and blocking all roads leading from Licinius' territories into Italy. This undertaking was highly risky, in part because he faced Maxentius' capable troops who even outnumbered his own and had taken up strong defence positions, in part had to accept the possibility that Licinius might turn on him as well. But Constantine had no other option if he wanted to retain the hope of becoming master of Italy – if he had moved directly on Rome rather than Verona, then hostile forces could easily have cut off his lines of communication with Gaul and attacked him from behind.

Licinius on his part had chosen to be a passive spectator for the final showdown between Constantine's and Ruricius' troops maybe because he hoped that the combatants would inflict such casualties on each other during their battle over Verona that he himself would have an easy time when he invaded Italy with a fresh army to defeat Maxentius. If so, his

⁶⁵ We mentioned above that initially Ruricius had entrenched himself with his troops in Verona intending to withstand a siege, but later he attempted to break Constantine's encirclement – one would have expected him to have gone on the attack immediately before Constantine had had time to complete the circle around the city. This curious behaviour can maybe be explained by suggesting that Ruricius expected Licinius to turn his weapons on Constantine so he could spare his troops and await further developments behind the strong walls of Verona. When Licinius remained passive, however, he was forced to act himself.

calculations proved quite wrong when Constantine managed against all expectation to win the battle of Verona. By blocking the roads that Licinius should have used to invade Italy, he had locked him in the Balkans. At the same time Constantine had eliminated Maxentius' forces in North Italy, so he was free to focus his attention on the principal aim of his Italian campaign: the conquest of Rome.

Constantine now moved in great haste along the shortest way to Rome.⁶⁶ His march was eased by the absence of any defence lines established by Maxentius on the River Po or on the mountain range of the Apennines.⁶⁷ This did not in any way mean that Maxentius had given up the fight. He had lost many soldiers in North Italy but he still commanded large troops that he could rely on. They were stationed in Rome,⁶⁸ where he had also amassed large supplies of food to withstand a siege.⁶⁹ Maxentius clearly had a tactic of letting Constantine attempt a siege of Rome.⁷⁰ Whether he had been guided by auguries or not,⁷¹ this tactic must have seemed sensible.

Constantine had had fairly few troops at his disposal when he invaded Italy, and they had even been decimated in the fierce fighting in North Italy – an exhausting march down through Italy to Rome would only deplete their powers further. With such a force Constantine had no way of capturing the city or of mounting an efficient siege to provoke a speedy surrender.⁷² He could not even reach the Aurelian wall till the end of October, so he would have to conduct the siege of Rome in the middle of winter, and that would mean great problems created by rain and low temperatures as well as problems of getting ample supplies. Maxentius, by

⁶⁶ Cf. *Paneg.* IX,15,3: *At enim tu id ipsum de ardore totius exercitus sentiens sine ulla haesitandi mora, qua breuissimum per Venetos iter est, raptu agmine aduolasti, celeritatem illam in re gerenda Scipionis et Caesaris tunc maxime cupienti Romae repraesentans.*

⁶⁷ Cf. *cap.* 15,1: *Ac ne tum quidem, cum tot aduersa suorum proelia comperisset, obuiam ire conatus est ut ad resistendum Padi limite aut Apennini iugis ueteretur*

⁶⁸ From *Paneg.* X (321),28,4, it appears that Maxentius had placed considerable army forces in Rome.

⁶⁹ Cf. *Paneg.* IX (313),16,1: *Quippe omni Africa quam delere statuerat exhausta, omnibus insulis exinanitis, infiniti temporis annonam congesserat.*

⁷⁰ Cf. *cap.* 15,1: *interdum etiam palam ut usque ad portas ueniretur optabat*

⁷¹ Cf. *cap.* 14,3-4: *stultum et nequam animal nusquam extra parietes egredi audebat. Ita enim aut prodigiis aut metus sui praesagiis monebatur. Pro pudor, intra parietum custodias imperator!, and De mort.* XLIV,1: *Et quamuis se Maxentius Romae contineret, quod responsum acceperat periturum esse, si extra portas urbis exisset*

⁷² Constantine's fleet had seized the Italian ports, see *Paneg.* IX (313),25,2, and so cut off all supplies to Rome, but the city seemed to have such plentiful stores that she did not feel any consequences.

contrast, commanded numerous and fresh troops who could conduct sallies at any time and inflict casualties on Constantine's scattered troops with little risk to themselves – they could always withdraw behind the allmost impregnable Aurelian wall. It was to be expected that Constantine's soldiers would be demoralized as the siege continued without provoking a military solution – and in that situation Maxentius could use a method that had already been tested: bribes to make Constantine's soldiers desert.⁷³ There was every chance that Constantine would have to leave Rome having failed his mission just as in the case of Severus and Galerius!

It seemed, therefore, that Maxentius could await developments quietly.⁷⁴ His odds were so good that he could quite safely encourage his troops to be cheerful. He is even supposed to have told them that he was the sole ruler for whom the others fought at the borders.⁷⁵ The panegyrist regards this as pure bragging which seems to be confirmed by the fact that Maxentius suppressed all news of his military losses in North Italy.⁷⁶ Even so, his claim was not entirely unfounded! As we have said, Constantine's Italian campaign had placed him in opposition to Licinius, so Maxentius could expect Licinius to invade Italy to take from Constantine what he had taken illegally. If Constantine and Licinius were to become involved in mutual battle it would only benefit Maxentius – it would provide new opportunities for him to manoeuvre between the warring parties and secure his political position. In that sense, Maxentius could claim that battles were being fought for him at the borders.

In any case, chances were slim that Constantine would win the ultimate victory. There was little to suggest that he could seize Rome and at the same time he would never be certain when Licinius would start moving his troops to invade Italy. Even at the time, people wondered what had made Constantine embark on his apparently hopeless attempt to capture Rome. We have seen that the panegyrist could think of no better answer than to say that Constantine had acted on a promise of victory from the deity.⁷⁷ It was certainly true that realistic political or military reasons for Constan-

⁷³ Cf. *Paneg.* IX (313),15,1: ... *non intellegens maiestatem illam urbis quae pridem admotos exercitus sollicitauerat, iam flagitiis ipsius deformatam et sedibus suis pulsam ad tua auxilia transisse nec ullis praemiis posse corrumpi quos tibi praeter liberalitatem tuam et sacramenti fidem tot uictoriarum gloriae dicauissent.*

⁷⁴ Cf. *cap.* 14,5: *Non enim se imbellem, sed beatum, non inertem, sed securum uideri uolebat.*

⁷⁵ Cf. *cap.* 14,6: *Quotiens milites in contionem uocabat, se solum illis imperare, alios per limites pro se militare iactabat: "Fruimini", aiebat, "dissipate, prodigite".*

⁷⁶ Cf. *cap.* 15,1: *sed litteras calamitatum suarum indices supprimebat.*

⁷⁷ See *cap.* 3,3.

tine's decision to move on Rome are difficult to find.⁷⁸ One could perhaps suggest that Constantine may have hoped to capitalize on the opposition that had been created in the later years of Maxentius' rule.⁷⁹ Still, it did not seem to have developed into a dangerous fifth column that threatened Maxentius' government in any way – he seemed to have the domestic political situation well under control.⁸⁰ In fact, we can really not get beyond saying that by invading Italy Constantine had embarked on a project which was so dangerous both in political and military terms that he had no other option than to try to end it by seizing Rome. North Italy could only be retained if he managed as quickly as possible to defeat Maxentius and take over all his possessions. Therefore Constantine had no other choice than to march on Rome and hope that something would happen to change developments in his favour. And that was precisely what occurred!

Even Constantine himself seems to have had no illusions that he would win if Maxentius decided to ensconce himself behind Rome's strong walls

⁷⁸ According to O. Seeck “der Zug auf Rom [war] ... nicht nur ein verzweifeltes Unternehmen; er war auch keineswegs notwendig” (*Untergang der antiken Welt* I, 126). After further discussion pp. 125-27 he feels that he can conclude: “Wenn Constantin, der sonst seine Mittel sehr klug zu wählen wusste, trotzdem in tollkühner Ungeduld auf ein Ziel losstürmte, das nach menschlichem Ermessen unerreichbar war, so liess er sich eben nicht von gesunder Vernunft leiten, sondern von visionärer Eingebung” (127). His diction differs but Seeck shares the opinion of the panegyrist of 313.

⁷⁹ Particularly after the Carnuntum conference Maxentius' political position had become so difficult that he must use all his efforts to keep very considerable military forces at the ready. The funds for this came from a very harsh tax policy which also affected the senatorial aristocracy. Maxentius' political situation had only become worse, of course, when he lost North Africa in 309 and Spain in 310. The recapture of North Africa in 311 brought some improvements but his position remained precarious. The funds needed to ensure a strong and loyal defence had to be forced out of an ever more impoverished people by very violent means. Universal popular enthusiasm for Maxentius had been replaced by widespread disillusion created first and foremost by the heavy tax burden. For details, see Groag *RE* XIV col. 2449ff.

⁸⁰ We may conclude that there was no active resistance movement against Maxentius because the panegyrist of 313 does not even hint at such an organization – and that is all the more remarkable because he was otherwise very keen to record the joy with which people greeted Constantine as he advanced. In general, we should be careful not to confuse disillusionment and dissatisfaction with organized resistance against a ruler. Moreover, everything suggests that Maxentius had such numerous and loyal troops at his disposal that his regime could not in any way be threatened from within. People had to be certain that Maxentius had fallen before they considered it opportune to greet Constantine as the long awaited liberator.

and wait out a siege.⁸¹ But just as Constantine was approaching Rome, Maxentius abandoned his original plan to sit through a siege and chose to meet him in open battle outside the Aurelian wall. Our sources say that auguries provoked Maxentius to make this decision – that is all they tell us.⁸² Any other motives that Maxentius may have had to make this surprising move, are a matter of conjecture. He may have felt that his fresh troops could defeat Constantine’s soldiers easily after their long exhausting march down through Italy. Perhaps he also believed that a swift victory over Constantine in open battle would give him military and political initiative and allow him to re-establish his lost control of Italy.⁸³

In any case, Maxentius had his troops move out of Rome and across the Tiber. The sources tell us nothing about Maxentius’ further battle plans and

⁸¹ That appears from *Paneg.* IX (313),16,1: *Itaque unum iam illud timebatur ne ille conterritus his uiribus, grauiter adflictus et in artum redactus boni consulerent et debitas rei publicae poenas obsidione differret*, and X (321),27,6: *In quo quidem tantum momenti fuit ad perficiendae rei facilitatem ut non tam gloriandum sit uirtuti tuae, praestantissime imperator, quod eum uiceris quam gratulandum felicitati quod ad pugnam potueris euocare.*

⁸² This appears indirectly from *Paneg.* IX (313),16,2; X (321),18,1 and *h.e.* IX,9,4. Lactantius on the other hand gives a detailed account in *De mort.* XLIV, 4-9 of the events that made Maxentius move outside the safe walls of Rome. According to this Maxentius had sent his troops across the Milvian bridge and they engaged in heavy fighting with Constantine. It happened on 28 October the day when Maxentius celebrated his *quinquennalia* with great circus games. The crowds that had gathered shouted that Constantine could not be defeated. That made Maxentius panic. He ordered the Sibylline oracles to be consulted. They stated that the enemy of Rome would die on this day. Maxentius understood them to mean Constantine and went to join his army in their heavy fight. Lactantius’ account is dubious, though, if only because “le presage ambigu et mal interprété par le consultant est un thème folklorique de tous les pays” (J. Moreau, *Commentaire*, 439). Moreover, the Sibylline oracle only concerns Maxentius as an individual, not the crucial question whether the troops should fight Constantine outside the Aurelian city wall. In general, Lactantius’ account contains so many unlikely elements that we do well to not trust his information on this point.

⁸³ Groag has claimed, though, that Maxentius “sich entschloss, vor den Toren Roms dem Feinde die Schlacht anzubieten”, because “er dem Stadtvolke nicht traute, und im Falle einer Belagerung mit Verrat und Rebellion rechnen müsste“ (*RE* XIV col. 2476). Referring to *De mort.* XLIV,7: *Fit in urbe seditio et dux increpitatur uelut desertor salutis publicae*, Groag claims that a rebellion occurred which finally forced Maxentius to fight outside the city. The passage from Lactantius only mentions a spontaneous popular mood in favour of Constantine during the circus games – so it is really something of an exaggeration to call it a *seditio*. In addition, no other sources mention an attempted uprising, so we should not attach any value to Lactantius’ information. He has probably just antedated the Roman enthusiasm for Constantine to show the eagerness with which he was awaited.

in general do not allow us to get a clear picture of subsequent events.⁸⁴ It seems, though, that Maxentius had not managed to complete the deployment and to place troops as he had planned before fighting began – almost all soldiers were on the flat and narrow land between the Tiber and *Saxa Rubra*.⁸⁵ While they were in this vulnerable position Constantine surprised them on 28 October by attacking their flanks. That forced them closer together and prevented them from mounting a controlled counter attack. Even though Maxentius' principal troops fought fiercely, they could not change the outcome of the battle. Most of his troops panicked and tried to escape back across the Tiber.⁸⁶ It could only be crossed via a bridge of ships so complete chaos erupted when soldiers attempted to get over. Maxentius himself was pulled down by the fugitive masses and was drowned.⁸⁷ Constantine's victory was complete.

On 29 October – the next day – Constantine could move into Rome and he received – our sources are in complete agreement here – an enthusiastic welcome from the Senate and the entire population as the liberator of the city.⁸⁸ Constantine's victory over the tyrant was made clear by placing Maxentius' severed head on a stake at the head of the triumphal procession – his body having been previously discovered.⁸⁹ The head was then taken to Africa as incontrovertible evidence that Maxentius' rule had ended. Africa understood the message and supported Constantine along with all the rest of Italy.⁹⁰ He was now without doubt the new ruler of the West.

In spite of all gloomy predictions, Constantine had completed a daring campaign and defeated Maxentius' numerous armies. Licinius had remained passive, so he could focus on annihilating Maxentius and seizing his possessions. These great military and political results struck his contemporaries with astonishment. It was true that Constantine had some extremely

⁸⁴ Cf. Groag in *RE* XIV col. 2477ff, where all the source material is presented.

⁸⁵ *Paneg.* IX (313),16,3 and X (321),28 talk of poor tactics but strictly speaking Maxentius was just surprised by Constantine's attack before he had managed to set up his own battle formation.

⁸⁶ Cf. *Paneg.* IX,(313),17,1.

⁸⁷ See *Paneg.* IX (313),17,2 and X (321),30,1, *De mort.* XLIV,10 and *h.e.* IX,9,7.

⁸⁸ See *Paneg.* IX (313),19,1-4 and X (321),30,4, *De mort.* XLIV,10 and *h.e.* IX,9, 9.

⁸⁹ Cf. *Paneg.* IX (313),18,3: *Reperto igitur et trucidato corpore uniuersus in gaudia et uindicatam populus Romanus exarsit nec desitum tota urbe, qua suffixum hasta ferebatur, caput illud piaculare foedari ...*, and X (321),31,4: *Sequebatur hunc comitatum suum tyranni ipsius taeterrimum caput*

⁹⁰ See *Paneg.* X (321),32,6-8.

fit troops,⁹¹ that he mastered the art of war and was a military leader that combined tactical skills with the ability to make quick decisions when circumstances demanded,⁹² and finally that his personal example served to inspire his soldiers to do their utmost.⁹³ But it still does not seem sufficient explanation of Constantine's exceptional success!

As we have seen, the panegyrist of 313 claimed that the real secret behind Constantine's successfully completed Italian campaign was the fact that it had been decided on and executed with divine assistance.⁹⁴ Constantine dared ignore all advice and warnings because the deity had promised him victory.⁹⁵ When Maxentius made the tactical blunder so obvious to everybody else of wanting to fight an open battle with Constantine away from the safe defences of Rome, it was only because the god himself had, as it were, pulled him out of the city so that he could receive his just punishment.⁹⁶ The deity was described by the panegyrist as *deus*,⁹⁷ *diuinitus*,⁹⁸ *diuina mens*,⁹⁹ and *diuina vis*.¹⁰⁰ He even referred to him as *summus rerum sator*,¹⁰¹ or *deus mundi creator et dominus*.¹⁰² The god was *summa bonitas*, just and almighty, so he could make things happen according to his will¹⁰³ – therefore one should serve him by obeying his command.¹⁰⁴ But apart from this the panegyrist was careful not to characterize this deity in any

⁹¹ Cf. *Paneg.* X (321),19,4: *Aderat enim robustus et florens, plenus uirium, animi plenus exercitus, laetus armis et militiae munia exsequens studio magis quam necessitate*

⁹² Cf. *cap.* 24,1: *Sed tu, imperator prudentissime, qui omnes bellandi uias nesses, opem ex ingenio repperisti.* Nazarius' subsequent account of the battle of Turin shows that his comment was not entirely unfounded.

⁹³ See *Paneg.* IX (313),9,1-6.

⁹⁴ See *cap.* 2,4-5 and 4,1.

⁹⁵ See *cap.* 3,3.

⁹⁶ Cf. *cap.* 16,2: *Sed diuina mens et ipsius urbis aeterna maiestas nefario homini eripere consilium, ut ex inueterato illo torpore as foedissimis latebris subito prorumperet et consumpto per desidias sexennio ipsum diem natalis sui ultima sua caede signaret.*

⁹⁷ Cf. *cap.* 2,4.

⁹⁸ Cf. *cap.* 3,3.

⁹⁹ Cf. *cap.* 2,5, 16,2 and 26,1.

¹⁰⁰ Cf. *cap.* 26,1.

¹⁰¹ Cf. *ibid.*

¹⁰² Cf. *cap.* 13,2.

¹⁰³ Cf. *cap.* 26,3: *Et certe summa in te bonitas est et potestas: et ideo quae iusta sunt uelle debes, nec abnuendi est causa cum possis. Nam si est aliquid quod a te bene meritis denegetur, aut potestas cessauit aut bonitas.*

¹⁰⁴ Cf. *cap.* 4,4: *te diuina praecepta, illum superstitiosa maleficia.*

greater detail.¹⁰⁵ It is clear, however, that this god is different from any of the known Roman gods and from *Sol Invictus*. Constantine prevailed only because of his connection to this deity. His relationship to his god was unique because he alone had been chosen by this god.¹⁰⁶

This understanding cannot be credited to the panegyrist. He merely served as the mouthpiece for Constantine's own perception. Through him, the new ruler of the West had proclaimed that he owed his great military and political triumphs to this supreme deity. The Christian writers Lactantius and Eusebius, who were next in time to discuss the Italian campaign, were also convinced that Constantine's defeat of Maxentius had happened through divine assistance. They differ from the heathen panegyrist, however, by insisting categorically that the Christian god had granted Constantine the victory. Lactantius reports that just before the battle at the Milvian Bridge Constantine had a dream in which he was ordered to place *cæleste signum dei* on the soldiers' shield and then begin the battle. The sign was of a kind that represented Christ,¹⁰⁷ and it struck Maxentius' soldiers with horror and made them flee.¹⁰⁸ In his church history, Eusebius says that out of pity Constantine wanted to free the suppressed people of Maxentius' tyranny, and while praying to the Christian god he advanced on him and trusting in divine assistance completely defeated Maxentius and his armies.¹⁰⁹

In spite of significant differences between Lactantius and Eusebius, they agree that the Christian god came to the assistance of Constantine when he was in an acute situation. They offer no reliable information on the details behind this, though. Their accounts probably date from 315, but there is no

¹⁰⁵ Cf. *cap.* 26,1: *Quamobrem te, summe rerum sator, cuius tot nomina sunt quot gentium linguas esse uoluisti (quem enim te ipse dici uelis, scire non possumus), sive tute quaedam uis mensque diuina es, quae toto infusa mundo omnibus miscearis elementis et sine ullo extrinsecus accedente uigoris impulsu per te ipsa mouearis, siue aliqua supra omne caelum potestas es quae hoc opus tuum ex altiore naturae arce despicias*

¹⁰⁶ Cf. *cap.* 2,5: *Habes profecto aliquod cum illa mente diuina, Constantine, secretum, quae delegata nostri diis minoribus cura uni se tibi dignatur ostendere.*

¹⁰⁷ Cf. *De mort.* XLIV,5: *Commonitus est in quiete Constantinus ut cæleste signum dei notaret in scutis atque ita proelium committeret. Facit ut iussus est et transuersa X littera summo capite circumflexo, Christum in scutis notat.* In the preceding passage, Lactantius had explained that Constantine had risked everything when he gathered his troops at the Milvian Bridge and even considered the possibility of defeat.

¹⁰⁸ Cf. *cap.* XLIV,9: *et manus dei supererat aciei. Maxentianus proterretur* It must mean that the sign of Christ on the shields had a magical effect that sent Maxentius' troops running.

¹⁰⁹ See *h.e.* IX,9,2-3.

doubt that they convey Constantine's personal understanding.¹¹⁰ He had turned to the Christian god and asked him for help and support in the risky undertaking that he had embarked on with his Italian campaign. When Constantine defeated Maxentius against all human calculations, this could only happen because his new tutelary deity had been behind him. Therefore it was his duty to worship this god as the giver of his *salus*. We cannot provide the details of this new religious experience, but we can say that for Constantine it represented an incontrovertible fact.¹¹¹ Subsequent events confirm this with great clarity.

4. *Litterae Constantini*

The rhetor Nazarius reports that Constantine took about two months to recreate what Maxentius had destroyed during his six year tyrannical rule.¹¹² The speaker was right in the sense that in a very short time, Constantine removed all reminders of Maxentius' government and provided stable and ordered conditions. Immediately after his entry into Rome, he took the initiative to return wealth, rank and honour to those who had lost them under Maxentius.¹¹³ He did not allow a *vendetta* to develop, though.¹¹⁴ He let officials remain in their positions with a very few exceptions. Those of Maxentius' soldiers that had surrendered were spared and even allowed to serve in Constantine's army.¹¹⁵ Constantine gave back to the Senate its

¹¹⁰ Strictly speaking, this does not conflict with the panegyrist's description of the deity behind Constantine's successful Italian campaign. He just states that this deity is not identical with any of the Roman gods. His characterization can be seen as a depiction either of the *summus deus* of pagan religious philosophy or of the god of the Christians. The panegyrist probably even made his description ambiguous on purpose. In other words, Constantine has broken with the official gods of the Roman Empire but in consideration of pagan reaction Constantine's secret connection with the Christian god must remain concealed.

¹¹¹ For details of the intense discussion of the matter of Constantine's conversion, see *Christus oder Jupiter*, 180ff.

¹¹² Cf. *Paneg.* X (321),33,6: *Nam quidquid mali sexennio toto dominatio feralis inflixerat, bimestris fere cura sanauit.*

¹¹³ See *cap.* 33,6-7.

¹¹⁴ See *Paneg.* IX (313),20,4.

¹¹⁵ Cf. *cap.* 21,3: *Iam obliti deliciarum Circi maximi et Pompeiani theatri et nobilium lauacrorum Rheno Danubioque praetendunt, excubias agunt, latrocinia compescunt, certant denique cum uictoribus ut ciuili bello uicti hosibus comparentur.*

auctoritas,¹¹⁶ which in practice meant that its members were given tax exemption immediately and the right to exercise *imperium*. In all matters, Constantine attempted to show the greatest possible respect towards Rome and its time-honoured position as the centre of the empire.

Because of his moderate policies, which made Constantine appear as an emperor in possession of *prudentia* and *clementia*, a ruler's true virtues, he quickly consolidated his authority over Maxentius' former possessions. The Senate made immediate use of its newly restored rights and recognized Constantine officially as the rightful emperor and condemned Maxentius as a tyrant sentencing him to *damnatio memoriae*¹¹⁷ – and as the condemnation also included his father Maximianus, the Senate truly denounced the Herculean imperial family.¹¹⁸ Finally, the Senate appointed Constantine *maximus augustus* giving him supreme legislative powers and the right to appoint consuls.¹¹⁹ The Senate had thus created a new emperor superior to the other emperors of the state.

Constantine had acquired powers that he had never possessed before. He was the unchallenged master of all the West, and using the time-honoured privileges of the Senate, he could even claim to be the supreme emperor of the state. All the same, Constantine's position was extremely precarious. In spite of his impressive military and political victories, he was a usurper who had merely defeated another rebel, stolen his possessions and seized a position to which he had no right.

In the West he must also have been widely perceived as a usurper. The extraordinary energy that the panegyrist invested in his defence of Constantine's war against Maxentius is evidence of that. It was a just war, he claims,¹²⁰ because it was necessary to rid Rome of the tyrant Maxentius. No one was better suited for the task than Constantine who was in all respects

¹¹⁶ Cf. *cap.* 20,1: *Nam quid ego de tuis in Curia sentiis atque actis loquar? Quibus senatui auctoritatem pristinam reddidisti, salutem, quam per te receperant, non imputasti, memoriam eius in pectore tuo sempiternam fore spondisti.*

¹¹⁷ Cf. *RE* XIV col. 2780 f.

¹¹⁸ Constantine probably sentenced Maximianus to *damnatio memoriae* immediately after his death, but this sentence was apparently then ratified by the Senate, for more details on this issue cf. J. Moreau, *Commentaire*, 418f.

¹¹⁹ Cf. *De mort.* XLIV,11: *Senatus Constantino uirtutis gratia primi nominis titulum decreuit, quem sibi Maximinus uindicabat.*

¹²⁰ Cf. *Paneg.* IX (313),4,2: *An illa te ratio ducebat ..., quod in tam dispari contentione non poterat melior causa non superare et, innumerabiles licet ille copias pro se obiceret, pro te tamen iustitia pugnabat?*

a good, just and pious emperor and Maxentius' absolute opposite.¹²¹ It was in fact Constantine's duty to remove the tyrant because the other rulers ignored the problem or hesitated to accept the undertaking because of its dangers.¹²² Last but not least, the supreme deity had given Constantine the task to defeat Maxentius.¹²³ Constantine had acted in all respects in an irreproachable fashion – no one could justly accuse him of being a usurper that had violated the rights of the legitimate emperors.

We cannot know to what extent this defence of Constantine's Italian campaign helped to consolidate his government. It was essential in any case for Constantine to have Maximinus and Licinius acknowledge him in his new ruling position. First and foremost, he must prevent the two from joining up to confront him. Constantine must gravely fear that possibility. Maximinus and Licinius were bound in a pact of friendship, and as Constantine had taken what belonged to Licinius, he could expect the rightful emperors to attempt to take away his usurper's spoils. Licinius was bitter, of course. But we also have evidence that Constantine's war against Maxentius was perceived as such a serious attack on the newly established triarchy that many people in the East believed that an open breach would occur between Constantine on the one hand and Maximinus and Licinius on the other.¹²⁴

The efforts to secure his new ruler's status were not helped by the change that had occurred in Constantine's religious convictions. As we have seen, he had come to the conclusion that the god of the Christians had granted him his victory over Maxentius. He understood this from the point of view of Roman religion that religion and politics were intimately connected,¹²⁵ so he was certain that the Christian god had given him imperial power and protected the Roman Empire as the true god.¹²⁶ Therefore it was

¹²¹ Cf. *cap.* 4,4: ... *te, Constantine, paterna pietas sequebatur, illum, ut falso generi non inuideamus, impietas; te clementia, illum crudelitas; te pudicitia soli dicata coniugio, illum libido stupris omnibus contaminata; te diuina praecepta, illum superstitiosa maleficia; illum denique spoliatorum templorum, trucidati senatus, plebis Romanae fame necatae piacula, te abolitarum calumniarum, te prohibitarum delationum, te reorum conseruationis atque homicidarum sanguinis gratulatio.*

¹²² Cf. *cap.* 2,3: ... *quiescentibus cunctantibusque tunc imperii tui sociis primus inuaderes.*

¹²³ See *cap.* 2,4.

¹²⁴ This appears from the Arykanda inscription, see above this chapter note 14.

¹²⁵ For more details, see *Christus oder Jupiter*, 24ff and 187f.

¹²⁶ Constantine's understanding is very clear from the letter to Anullinus, proconsul of Africa, in which he grants the Christian priests exemption from *munera civilia*: ἐπειδὴ ἐκ πλείονων πραγμάτων φαίνεται παρεξουθηθηῖσαν τὴν θρησκείαν, ἐν ἧ ἡ κορυφαία τῆς ἀγιωτάτης ἐπουρανίου αἰδῶς φυλάττεται, μεγάλους κινδύνους ἐνηνοχῆναι τοῖς

not just Constantine's personal duty to worship his new tutelary god; it was also his duty as the emperor of the state to make sure that the Christian god was worshipped across the entire empire. To Constantine, then, his political position was inseparable from the recognition of the god of the Christians as the only true god. But that inevitably meant that the worship of the pagan gods as essential to existence and prosperity of the Roman Empire must be critically challenged. Constantine marked the true beginning of the full inclusion of the question of the attitude to the god of the Christians into political struggles for power.

According to Lactantius, Constantine forced Maximinus to abandon his anti-Christian policy in a letter to him.¹²⁷ Even though he gives no further information on the contents of this *litterae Constantini*, the context makes it clear that Constantine must have demanded that the Christians were given complete religious freedom and that the emperors must profess themselves followers of the god of the Christians.¹²⁸ The *litterae Constantini* may have been accompanied by an invitation to a conference at Milan together with the appointment of Maximinus as consul for 313. Lactantius, at any rate, (XLV.2) seems to suggest that Maximinus already knew of the Milan conference. This would also explain the tradition of Diocletian's refusal to attend in Milan.

In his account, Lactantius offers no material for a precise dating of *litterae Constantini*. He places it in the time after the issue of the Galerius edict in April 311, but before Constantine's victory over Maxentius. But the last point cannot be true. Lactantius makes it clear that Maximinus officially followed the *litterae Constantini*, however much it may have gone against his innermost convictions. This only makes sense if Constantine had sent his letter to Maximinus and demanded that its decrees be followed in his position as *maximus augustus*. Therefore it can only have happened after the Roman Senate had given Constantine *primi nominis*

δημοσίους πράγμασιν αὐτὴν τε ταύτην ἐνθέσμως ἀναληφθεῖσαν καὶ φυλαττομένην μεγίστην εὐτυχίαν τῷ Ῥωμαϊκῷ ὀνόματι καὶ σύμπασιν τοῖς τῶν ἀνθρώπων πράγμασιν ἐξαιρετὸν εὐδαιμονίαν παρεσχηκέναι, τῶν θεῶν εὐεργεσιῶν τοῦτο παρεχουσῶν ... (*h.e.* X, 7, 1). The letter dates from the beginning of April 313 at the latest, cf. N.H. Baynes in *Proceedings of the British Academy* XV (1929), 348f and 407 ("Constantine and the Christian Church").

¹²⁷ Cf. *De mort.* XXXVII,1: *Haec ille moliens Constantini litteris deterretur.*

¹²⁸ Cf. *ibid.*: *Dissimulavit ergo. Et tamen si quis <in manus eius> inciderat, mari occulte mergebantur. Consuetudinem quoque suam non intermisit ut in palatio per singulos dies sacrificaretur.* Lactantius' point is that Maximinus may well have made a show of following Constantine's demands, but in reality he ignored the letter because he continued to capture Christians and offer sacrifices to the pagan gods.

titulus, and that takes us to the last months of 312 as the earliest date for the appearance of *litterae Constantini*. Consequently, there must exist a connection between the sending of the *litterae Constantini* and Lactantius' account that after his victory over Maxentius Constantine had sent news of the results of the fighting to Maximinus. He saw the note, says Lactantius, as if he himself had suffered defeat.¹²⁹ When Maximinus then also discovered that the Senate had made Constantine *maximus augustus* he threw a fit of rage – still according to Lactantius – and declared open hostility towards him.¹³⁰ The last point cannot be completely true because there was no open breach between Maximinus and Constantine. But then we are also justified in seeing the sending of *litterae Constantini* and the news of Constantine's liberation of Rome and the Senate's appointment of him as *maximus augustus* as aspects of one and the same event.

Eusebius, on the other hand, explains that immediately after Maxentius' defeat Constantine and Licinius issued the most perfect law for the benefit of the Christians – and it happened to show their gratitude towards the god of the Christians for good deeds he had done for them. This law they sent to Maximinus as their fellow emperor along with an account of the miraculous victory that the Christians' god had given them over Maxentius.¹³¹ When Maximinus learnt of this, he became very ill at ease, according to Eusebius. He did not want to publish the law sent to him because he did not want to seem to be taking orders from the other emperors. On the other hand, he was too afraid of them to reject it completely. He found a way out of his dilemma by pretending that he had taken the initiative to write a letter to the provincial governors to the benefit of the Christians.¹³²

This was Eusebius' original account in book IX of his church history!¹³³ He has not copied the law that Constantine and Licinius were supposed to have issued but his characterization of it as ὁ νόμος ὑπὲρ Χριστιανῶν τελεώτατος πληρέστατα¹³⁴ allows us to conclude that it must have contained the decree of total religious freedom for the Christians.¹³⁵ When

¹²⁹ Cf. *De mort.* XLIV,11: *ad quem uictoria liberatae urbis cum fuisset adlata, non aliter accepit, quam si ipse uictus esset.*

¹³⁰ Cf. *cap.* XLIV,12: *cognito deinde senatus decreto sic exarsit dolore, ut inimicitias aperte profiteretur, conuicia iocis mixta aduersus imperatorem maximum diceret.*

¹³¹ See *h.e.* IX, 9,12.

¹³² See *cap.* 9,13.

¹³³ The original account of this subject can be found in *cap.* 9,12 (except the note on Licinius' later μανία) and 13 (except the ending τὰ μηδέπω κτλ.) and *cap.* 9a,10-11 from οὐκέτ' ἀληθής.

¹³⁴ *cap.* 9,12.

¹³⁵ There is further confirmation of this in *cap.* 9a,10-11.

Eusebius says at the same time that it was gratefully issued in return for the victory over Maxentius that the Christian god had granted the emperors, it is reasonable to assume that it must have contained a confession of faith in that god.¹³⁶ The reference to the victory over Maxentius also makes it clear that only Constantine can have initiated this law.

We can also say that Eusebius was thinking of a very specific law which was issued not just in the name of Constantine but also in the names of Maximinus and Licinius. That appears from Eusebius' information that the law had been issued by Constantine and Licinius together. Constantine still recognized Maximinus as a lawful emperor, so it follows that he must have been listed officially along with Constantine and Licinius among the legitimate emperors that had issued the law. Eusebius' suppression of this information is understandable, though. According to him, Maximinus was a zealous heathen who persecuted the Christians without mercy, and therefore he had to exclude his name if he did not want to give the – quite erroneous – impression that as co-author of the law Maximinus had demanded complete religious freedom for the Christians because he had become a follower of the Christian god. On the other hand, Eusebius must have included Licinius' name only because he wanted to show him as a pious Christian emperor.¹³⁷

So Lactantius and Eusebius both mentioned in completely different contexts legislation which demanded complete religious freedom for the Christians and also contained the emperors' profession of their Christian faith. This similarity must mean that such a law really existed and that Lactantius and Eusebius have had this in mind when they spoke of *litterae Constantini* and “the most perfect law”. Then it also makes sense to let them supplement each other. Therefore we can conclude that immediately after his victory over Maxentius Constantine issued a law in which he demanded complete religious freedom for the Christians and professed his faith in the Christian god. He created this law because he possessed *primi nominis titulus*. Even though he followed the legislative practice of the tetrarchy by issuing the law in the names of all the legitimate emperors, it is still justifiable to follow Lactantius in referring to the law as *litterae Constantini*.

¹³⁶ Cf. *cap.* 9,12: αὐτὸς τε Κωνσταντῖνος καὶ σὺν αὐτῷ Λικίνιος, ... θεὸν τὸν τῶν ἀγαθῶν ἀπάντων αὐτοῖς αἴτιον εὐμενίσαντες, ἄμφω μιᾷ βουλῇ καὶ γνώμῃ νόμον ὑπὲρ Χριστιανῶν τελεώτατον πληρέστατα διατυποῦνται ...

¹³⁷ Cf. *cap.* 9a,12 in which Eusebius characterizes Constantine and Licinius as οἱ τῆς εἰρήνης καὶ εὐσεβείας προήγοροι.

As we said, neither Lactantius nor Eusebius has quoted the law. Several scholars have believed that this was really just the Galerius edict – in fact, Constantine had just posted it in Maxentius’ former territories where it had never been in force.¹³⁸ We must point out that Lactantius and Eusebius at least regarded *litterae Constantini* as a decree quite separate from the Galerius edict. As they had reprinted this, nothing would have been easier than to refer to it, if indeed they had that in mind. Moreover, the law they referred to had clearly been issued after Constantine’s victory over Maxentius.

Other scholars¹³⁹ have seen *litterae Constantini* or “the most perfect law” as none other than the Milan edict which is supposed to have been preserved in *litterae Licinii*¹⁴⁰ and in the almost identical rescript reprinted by Eusebius.¹⁴¹ Both Christian authors, consequently, have just made the mistake of antedating the law on complete religious freedom for the Christians which was really issued in connection with the Milan conference at the beginning of the year 313. It is evident, however, that Lactantius sees *litterae Constantini* and *Nik.* as two different laws. Nor does Eusebius mistake “the most perfect law” for *Caes.*, but he reprinted an edict given by Maxentius in the summer of 313 and characterized it in exactly the same terms as Constantine’s law from the end of 312,¹⁴² so it is in fact more likely to assume that they were one and the same law. The similarities in the characterizations are no coincidence because Eusebius wanted to say that both laws granted unrestricted religious freedom to the Christians. Still, they were two different laws which is clear from the fact that Eusebius names Maximinus as the author of the edict of 313 and gives no hint of any connection between that and Constantine’s perfect law of 312.

Our examination of Lactantius’ and Eusebius’ statements has then shown that a *litterae Constantini* must have existed and have been issued after Constantine’s victory over Maxentius. We have been able to indicate the contents of this decree but it is not possible to identify it with any of the laws reprinted by Lactantius and Eusebius. Even so, it has left its mark in our sources.

¹³⁸ This is true of Erich Caspar, *Geschichte des Papsttums* I, 581f., Henri Grégoire in *Antiquité Classique* I (1932), 137 note 6, and J. Moreau, *Commentaire*, 405.

¹³⁹ E. Stein is one of many, see *Histoire du Bas-Empire* I, 458.

¹⁴⁰ *De mort.* XLVIII,2-12. It was issued in Nicomedia on 13 June 313 – and will be referred to as *Nik.*

¹⁴¹ *h.e.* X,5,2-14. Eusebius quoted the rescript in Greek translation. He probably found it in Caesarea where it was posted – consequently it appears as *Caes.* in subsequent references.

¹⁴² Cf *h.e.* IX,10,6: εἶτα δὲ δοὺς δόξαν τῷ Χριστιανῶν θεῷ νόμον τε τὸν ὑπὲρ ἐλευθερίας αὐτῶν τελεώτατα καὶ πληρέστατα διαταξάμενος ...

The Galerius edict and Maximinus' edict from 313 are carefully composed and inspired by clear and cogent thinking. That is not true of *Nik.* and *Caes.* Neither rescript appears coherent. They both include unmotivated repetitions and inconsistent arguments, even contradictions. It suggests that they were constructed from pieces of different origins. It is also characteristic that they are largely identical and therefore must derive from the same model. But they do also show differences so they must have subjected the model to dissimilar processing. A stringent comparative analysis of *Nik.* and *Caes.* will allow us to reconstruct their common model, and we can show that the model has as its basis an imperial decree issued before the Milan conference. Its text has been incorporated in *Nik.* and *Caes.* – but not to the same extent.¹⁴³

We find the imperial law again in *De mort.* XLVIII, 3-4 and in *h.e.* X, 5, 2-3 and 5-7. By removing later additions and allowing *Nik.* and *Caes.* to supplement each other, we can reconstruct the imperial decree with fairly great accuracy.¹⁴⁴ It must have read like this – in translation: “As we have been aware for a long time that freedom of cult must not be denied, but each individual must be given the right to follow his heart and mind in dealing with divine things according to his own decision, we have now ordered that the Christians must remain loyal to their teaching and creed. But as many and varied conditions clearly seem to have been added to the law which grants them that right, it could happen that some were driven back from exercising it. Therefore we believe for sound and just reasons that a decision must be made that no one must be denied the right in any way to choose the Christian faith or cult ..., so that the supreme god in whom we freely profess our faith can show his customary favour and good will towards us. Let it therefore be known as our pleasure that – when all conditions contained in the letter ... concerning the Christians have been removed – everybody who displays the same will to follow the Christian religion can now practice it freely and openly and without any interference or violation”.

We can say for certain that this decree dates from the time before the conference between Constantine and Licinius held in Milan at the beginning of the year 313.¹⁴⁵ It demands unrestricted freedom of religion for the

¹⁴³ The detailed argument in support of this appears in my article “The So-Called Edict of Milan” in *Classica et Mediaevalia* 35 (1984), 129ff.

¹⁴⁴ For details, see *Appendix III* below: “*Litterae Constantini* – a reconstruction”.

¹⁴⁵ This is so because the model for *Nik.* and *Caes.* contained a note on the Milan conference and its decision on religious policy (*De mort.* XLVIII,2 = *h.e.* X,5,4), but it

Christians because only then can the Christian god, whom the emperors now follow personally, continue to show his *fauor* and *beneuolentia* towards them – this is a direct profession of faith in the god of the Christians. In other words, this decree shows just the qualities that Lactantius and Eusebius mentioned as characteristic of *litterae Constantini* and “the perfect law” respectively. This observation justifies the conclusion that this was the law referred to by Lactantius and Eusebius.

It is clear that the decree forming the basis of both *Nik.* and *Caes.* presupposes a situation in which the emperors have granted the Christians religious freedom that has then been restricted in ways that make them afraid of worshipping their god freely and openly. This was precisely the case in Maximinus’ provinces. As the decree was obviously issued to stop this state of affairs, so we have proved that it must have been directed first and foremost at Maximinus. Lactantius and Eusebius were right when they said that Constantine had approached Maximinus and demanded that he stopped his persecution of the Christians. They were also right when they reported that Constantine had professed his faith in the Christian god who had given him his victory over Maxentius. This is clear from the statement in the decree that the Christian god must be worshipped so that he will continue to show his kindness to Constantine.

Identifying *litterae Constantini* with the decree which can be constructed from *Nik.* and *Caes.* also makes it possible to supplement and correct Lactantius and Eusebius. Constantine was solely responsible for this law to benefit the Christians because he alone had experienced such powerful evidence of the existence of the Christian god that he felt obliged to fight for his followers’ unrestricted worship of him. Lactantius was quite right to describe the law on unrestricted religious freedom for the Christians as *litterae Constantini*. Similarly, Eusebius was wrong to name Licinius as co-author of this law. On the contrary, he too must have had it sent and like Maximinus been ordered to give the Christians complete freedom of cult in his provinces.

When Eusebius talks of “the most perfect law”, benefitting the Christians, he creates the impression that they were given rights that they did not previously have. This is not entirely correct, however. The decree refers quite unambiguously to an existing law which granted the Christians religious freedom – and that can only mean the Galerius edict. Formally speaking *litterae Constantini* only demands that it must apply entirely without restrictions. In other words, it merely ratifies the Galerius edict as the legal

was added to the original imperial decree in such a way that it breaks up the consistent ideas and arguments, for details, see my “The So-Called Edict of Milan”.

basis for the religious freedom of the Christians and only demands everything that has subsequently been done to make it inoperative must be undone.

In essence, then, *litterae Constantini* introduces nothing new. On the contrary, it makes Constantine appear as one who will faithfully retain and continue the religious policy set down in the edict that Galerius issued just before his death – Constantine has just clarified its meaning and significance. Although Constantine then does not appear as an *innovator*, formally speaking, *litterae Constantini* does, in fact, go much further than the Galerius edict. It shows in the definitiveness with which it emphasizes the Christians' right to unrestricted religious freedom. This is no longer a pagan emperor who has rather reluctantly granted the Christians the right to worship their god in order to prevent them from bringing misfortune to the Roman Empire because of their "godlessness". Now it is stated that the Christians must worship their god without any hindrances because the emperors have chosen him as their god and are personally dependent on his good will. There is no change to the substantial core of the Galerius edict: *ut denuo sint christiani et conuenticula sua componant*, but *litterae Constantini* is in fact a new law because it is informed by the conviction that the Christian god is the true god and therefore he alone can protect the imperial power through his help and support. This is new, and as this contains the real guarantee of the unconditional religious freedom of the Christians, Eusebius was not entirely wrong when he characterized *litterae Constantini* as the most perfect law in favour of the Christians.

5. Maximinus' letter to Sabinus

In his original account of Maximinus' religious policy in book IX of his church history Eusebius merely said that Maximinus, albeit reluctantly, had passed on the contents of *litterae Constantini* in a letter to the provincial governors – but it was done in a way to give them the impression that the letter was Maximinus' own initiative. Eusebius may already then have known about the contents of the letter which reached the provincial governors. A little later he had certainly become familiar with Maximinus' letter, a so-called *mandatum*, to Sabinus, his *praefectus praetorio*, and found it to be so significant that he incorporated it in a later revision of book IX of the church history.¹⁴⁶

¹⁴⁶ Maximinus' *mandatum* was reprinted in Greek translation in *h.e.* IX,9a,1-9. In *cap.* 9,13 Eusebius says that Maximinus composed a letter (τὸ γράμμα) to the provincial

The letter dates from the year 312,¹⁴⁷ and Maximinus begins by stating that Diocletian and Galerius had been right to order force and punishment to be used to bring everybody back to the worship of the immortal gods whom they had left to join the Christians. As soon as he came into power, however, he had told the provincial governors that they should desist from any policy of violent coercion towards the Christians and use persuasion and exhortation to call them back to the worship of the gods. Therefore, Maximinus had refused the Nicomedians permission to keep the Christians from living in their city – and it happened because the Christians were free to stay with their superstitions or accept the worship of the gods. Later he had felt obliged, though, to grant a similar urgently presented request from Nicomedia and other cities because he found this to be in accordance with both the actions of previous emperors and the will of the gods. The governors had previously been told that they must act with sympathy and moderation towards the Christians, but Maximinus had found it appropriate to reinforce the point that the Christians must not be subjected to violence or be molested by the *beneficarii* or anybody else – they should be made to accept the solitude of the gods through persuasion and exhortation. He again emphasizes that the Christians were free to follow their own faith and that violence must not be used against them, and then he tells Sabinus to make the publication as ordered by Maximinus.

Maximinus' letter to Sabinus is both surprising and confusing. The latter quality is all the more pronounced because the text contains repetitions and even gaps in its thinking. Close analysis shows that Maximinus' *mandatum* was created by making additions to an existing draft. They can be easily identified and include *h.e.* IX, 9a, 5 *fin.* and 8-9.¹⁴⁸ If we exclude these additions we have a clear and coherent account of Maximinus' relationship

governors (τοῖς ὑπ' αὐτὸν ἡγεμόσιν), but he must have been thinking something other than the letter to Sabinus. It must therefore have been added later. Μηδέπω κτλ. (*cap.* 9, 13 *fin.*) clearly presupposed knowledge of its contents and is even poorly connected to the previous passage, so the sentence must have been added at the same time as Maximinus' *mandatum* to Sabinus – the insertion was apparently intended as an early warning to the readers against believing that Maximinus was as friendly to the Christians as his letter seems to suggest. It is more difficult, though, to decide if *cap.* 9a,10 *init.* is a later addition or if this passage also belonged in the original account. It makes good sense to see it as the immediate continuation of τοῦτο πρῶτον ὑπὲρ Χριστιανῶν ἐπάναγκες διαχαράττει τὸ γράμμα (*cap.* 9,13), so we should prefer the second option. The insertion, therefore, consisted only of Maximinus' letter to Sabinus and *cap.* 9,13 *fin.*

¹⁴⁷ This is clear from the following passage: ὅτε τῷ παρελθόντι ἐνιαυτῷ εὐτυχῶς ἐπέβην εἰς τὴν Νικομήδειαν κάκει διετέλουν ... *h.e.* IX,9a,4). It gives no indication of a more specific date in 312.

¹⁴⁸ For a detailed explanation, see below *Appendix IV*.

with the Christians. He readily supports the aim of Diocletian's and Galerius' religious policy: to bring everybody back to the worship of the immortal gods. He also finds it right that the Christians must worship the gods of the Roman Empire. He has discovered, though, that the best way to reach this goal is to abandon all use of violence and win the Christians for paganism through conviction. His granting of the requests from Nicomedia and other cities to ban the Christians from their territories must not be seen as giving up the principle that the Christians must be defeated with spiritual weapons. Naturally, their existence cannot be tolerated as their defection from the worship of the gods represents a threat to human life and society.

If we analyze the later addition to Maximinus' *mandatum*, the intention clearly was to emphasize that the Christians could decide freely whether they would follow their own religion or join the worship of the immortal gods. The Christians are given this religious freedom without any reservations whatsoever, and the result must be that they are left entirely in peace and are allowed to settle the question of religious worship for themselves. It is hard to deny, therefore, that a conflict exists between the implications of the insertion and the rest of the *mandatum* which makes it a duty to fight the Christians' *superstitio*.¹⁴⁹ The inserted passages accept the Christians' right to exist without reservation, but that is not the case for the rest of the rescript.

Maximinus' *mandatum* was issued to reinforce the point that coercion and violence must not be used in relation to the Christians. It seems strange that it required such a detailed account of Maximinus' previous approach to the Christian problem. His account leaves the impression that he wanted to defend himself against attacks from two different quarters. Maximinus wants to deny that he has persecuted the Christians and used violence and coercion against them – he has just granted them religious freedom. At the same time, he wished to justify himself against the accusation that he betrayed the Diocletio-Galerian religious policy by abandoning a policy of force against the Christians. In his letter to Sabinus, Maximinus far exceeds the limits of what seems necessary to explain a renewed ban on violence and molestation of the Christians. The letter seems to give no reason for this.

We have shown that later additions to Maximinus' *mandatum* interrupt the essentially clear original account. We can add that they also deviate from the rest of the letter in point of style. On the other hand, they agree both in substance and terminology with central passages in *litterae*

¹⁴⁹ The letter mentions δεισιδαιμονία, the Greek rendition of *superstitio* in the original Latin text.

Constantini.¹⁵⁰ The similarities are so striking that they can only be explained by saying that the additions reproduced the crucial decrees in *litterae Constantini*.

That proves that Lactantius and Eusebius were right when they said that Maximinus accepted Constantine's request to desist from persecutions of the Christians. We can even supplement their information by stating that Maximinus simply included sections of *litterae Constantini* in his letter to Sabinus which granted complete freedom of cult to the Christians. That also gives us the explanation why his *mandatum* contained a detailed account of his policy towards the Christians. In relation to Constantine, Maximinus had to dismiss the accusation that he had ignored the Galerius edict by persecuting the Christians, and when he banned all use of coercion and violence in the fight against the Christians and even gave them full religious freedom, he also had to make it clear to the pagans that this did not involve abandoning the religious policy of the Diocletian tetrarchy. It was essential for Maximinus to show that he had always followed one and the same religious policy – therefore the specific decrees in his *mandatum* were a simple consequence of the principles that had always informed his understanding of the proper treatment of the Christians. In other words, Maximinus wanted to demonstrate very clearly that in issuing this *mandatum* he acted on his own initiative out of his personal convictions of what was right and proper.¹⁵¹

All the same, it cannot be denied that Maximinus had complied completely with Constantine's wishes – he had had the central decrees in *litterae Constantini* published in the provinces under his direct control. Eusebius was quite right when he wrote that he had done so reluctantly.¹⁵²

¹⁵⁰ This is clear from a comparison between the insertions in Maximinus' *mandatum* and the crucial decrees in the reconstructed *litterae Constantini*:

h.e. IX,9a,5: εἰ μὲν οὖν τινες εἶεν τῇ αὐτῇ
δεισιδαιμονία διαμένοντες, οὕτως ἕνα
ἕκαστον ἐν τῇ ἰδίᾳ προαιρέσει τὴν
βούλησιν ἔχειν ...

cap. 9a, 8: εἰ δὲ τινες τῇ ἰδίᾳ θρησκείᾳ
ἀκολουθεῖν βούλοιντο, ἐν τῇ αὐτῶν
ἐξουσία καταλείποις ...

h.e. X, 5, 2: ἐνὸς ἐκάστου τῇ διανοίᾳ καὶ τῇ
βουλήσει ἐξουσίαν δοτέον τοῦ τὰ θεῖα
πράγματα τημελεῖν κατὰ τὴν αὐτοῦ
προαίρεσιν ἕκαστον, κεκελεύκειμεν τοῖς
τε Χριστιανοῖς τῆς αἰρέσεως καὶ τῆς
θρησκείας τῆς ἑαυτῶν τὴν πίστιν φυλάττειν
cap. 5, 5: ... μηδενὶ παντελῶς ἐξουσία
ἀρνήτα ἢ τοῦ ἀκολουθεῖν καὶ αἰρεῖσθαι
τῆν τῶν Χριστιανῶν παραφύλαξιν ἢ
θρησκείαν ...

¹⁵¹ Therefore Eusebius is not entirely wrong when he writes ὡς ἂν ἐξ ἰδίας αὐθεντίας τοῖς ὑπ' αὐτὸν ἡγεμόσιν τοῦτο πρῶτον ὑπὲρ Χριστιανῶν ἐπάναγκες διαχαράττει τὸ γράμμα ... (*h.e.* IX,9,13).

¹⁵² Cf. *h.e.* IX,9a,10: Ταῦθ' ὑπὸ τῆς ἀνάγκης ἐκβεβιασμένος.

In view of his firm conviction that Christianity destroyed the Empire, he must have felt very uncomfortable when granting complete religious freedom to the Christians. It meant not only that Maximinus had to cancel the measures he had taken to restrict the cultic freedom of the Christians but also that his programme of a religious policy to reinvigorate paganism and eliminate Christianity would be seriously hampered. In addition, though, when giving in to Constantine's demands for unlimited religious freedom for the Christians Maximinus had in reality also given up becoming *maximus augustus* with the legislative powers for the entire Empire and accepted Constantine's claim on this office. Maximinus' acquiescence towards Constantine represented a significant set-back for him in terms of both religious policy and the politics of power. This seems all the more surprising because Maximinus was politically strong in the East. He must have had very weighty reasons for accepting Constantine's demands. However, on this point our sources maintain complete silence.

Immediately after his appointment by the Senate as *maximus augustus*, Constantine appointed consuls for the year 313. He chose himself as well as Maximinus as consuls which meant that he recognized him as legitimate emperor and wished to cooperate with him in the leadership of the Roman Empire. In the given situation it could merely be understood as his serious attempt to reach an understanding with Maximinus. Seen from Constantine's perspective, such a rapprochement was very well motivated. We have seen that his political position rested on a very fragile basis because he had behaved as a de facto usurper. If he were to secure his new position, an understanding with Maximinus was absolutely crucial as he was much stronger than Licinius both politically and in military terms. Chances should be good of establishing closer cooperation with Maximinus, because he was much less affected by Constantine's new ruling position in the West than Licinius who had been robbed of his rightful claims on Italy and North Africa. We do not know what Constantine offered Maximinus in return for his acceptance of Constantine as *maximus augustus* and of his friendly religious policy towards the Christians – maybe recognition of Maximinus as sole emperor of the East. If Maximinus refused to cooperate on these terms, he had to realize that Constantine would try to approach Licinius and that could lead to political isolation.¹⁵³

Apart from the fact that Constantine chose Maximinus as consul for the year 313, our sources mention no diplomatic campaign by him towards the

¹⁵³ We know that Constantine at the same time tried to win Licinius as his ally, and Maximinus may have heard of this so that it was even more urgent for him to be accommodating towards Constantine.

emperor of the East. It seems necessary to assume, though, that Constantine must have offered him political cooperation, not to say an alliance: Maximinus was to recognize Constantine as *maximus augustus* and agree to give unrestricted religious freedom to the Christians and then he would be acknowledged as the rightful emperor of the eastern provinces. This is the only condition that allows for an explanation of Maximinus' *mandatum* to Sabinus.¹⁵⁴ He had no other choice than to appear approachable to Constantine if he did not want to risk political isolation. But his move inevitably placed Maximinus in an unfavourable light to the representatives of paganism. In this situation he must clear himself of accusations that he had abandoned the religious policy of the Diocletian tetrarchy. He did so with a detailed account of his previous relationship with the Christians which aimed to prove that he had not betrayed the aims of the Diocletio-Galerian fight against Christianity by allowing the Christians to have their own cult if they could not be made to give it up.

The very process of creating his *mandatum* to Sabinus clearly shows the sense of compulsion that Maximinus experienced. We have seen that the original draft only contained an account of Maximinus' religious policy and ended in a ban on the use of violence towards the Christians. In the first instance, Maximinus must have found it sufficient to reinforce the point that terror and violence must not be used against the Christians to make them return to the worship of the immortal gods. On consideration, though, it must have become clear to him that his account could be seen as a rejection of or at least an attempt to evade the demands contained in *litterae Constantini* – and rightfully so as Maximinus had in fact restricted the Christians' freedom of cult. To avoid this he must have found it necessary to add the central decrees from *litterae Constantini* in his *mandatum* to Sabinus.

If a law from the supreme *augustus* was to be published, it could either be sent *in extenso* with a cover letter or its central decrees could be included in a separately conceived letter and that could happen either verbatim or in a fair summary of its contents. Maximinus used the latter method. As we have seen, he accurately copied the *litterae Constantini*. By inserting them into an account of his own religious policy, however, he has managed to avoid the reasons given in Constantine's letter for granting the Christians complete religious freedom and instead given a reason that was in keeping

¹⁵⁴ This is also the only situation that can explain why Maximinus tried to reach an understanding with Constantine after his military defeat to Licinius. It was natural given that some six months before Constantine had in reality offered him conditions amounting to an alliance, for details see below at note 239 and ff.

with his own perception. Naturally, though, he has not been entirely successful! For Constantine, the demand for complete religious freedom was a necessary consequence of his new conviction that he was protected by the Christian god, but for Maximinus it was an essential anomaly to tolerate the Christians. Consequently, it must be difficult to argue from a pagan standpoint why the Christians were to be given unrestricted permission to follow their cult!

Maximinus' *mandatum* to Sabinus, then, represented a reasonably skilful attempt to fulfil Constantine's demands without abandoning the aims of his previous religious policy – and the connection was provided by the idea of a non-violent policy of conversion of the Christians. It cannot be denied that this letter laid the basis for improvements in the actual conditions of the Christians. Its decrees implied the cancellation of the measures taken to limit the Christians' freedom of cult, but it also meant that the provincial governors and local officials could no longer refer to Maximinus' will that they must force the Christians with all the means at their disposal to return to the worship of the immortal gods.¹⁵⁵ We cannot be certain of the extent to which Maximinus' decree has been followed.¹⁵⁶ At any rate, the Christians did not trust Maximinus' promise of unrestricted religious freedom. That was very understandable! The emperor obviously continued to regard the Christians and their worship as anomalous. Therefore the decree on religious freedom had to be seen as provisional – it was determined by tactic and could therefore be revoked if the situation changed in Maximinus' favour. The Christians found it all the more difficult to believe Maximinus' promise because they felt that he had already granted them religious

¹⁵⁵ Maximinus ordered Sabinus to bring the contents of the letter to the attention of the provincial population, see *h.e.* IX,9a,9, and he probably did so by sending a letter with the imperial order to the provincial governors who would then inform the local authorities. As we have said, Eusebius only obtained Maximinus' *mandatum* after he had finished his first version of this section of the church history, and that suggests that it had not been published *in extenso* in the provinces. Only the significant decrees have been passed on and Eusebius have rendered them quite correctly in this way: αὐτὸ μόνον τὸ ἀνεπηρέαστον ἡμῖν ἐπιτρέπον φυλάττεσθαι ... (*h.e.* IX,9a,11).

¹⁵⁶ Eusebius makes no mention of the actual improvements to conditions for the Christians that resulted from Maximinus' ban on violent treatment of them – probably because he did not want to say anything unfavourable about Maximinus and his officials. We must assume, though, that he followed the imperial order to a considerable extent so all restrictions on the Christians' cultic practices were lifted. Not everybody followed it, though – that is directly clear from a law which Maximinus issued in the summer of 313 and which repeated his promise to the Christians of complete religious freedom, see *h.e.* IX,10,9.

freedom once and then withdrawn it.¹⁵⁷ In any case, the Christians did not dare, according to Eusebius, to appear in public and form congregations and carry out religious services.¹⁵⁸

In essence, Lactantius and Eusebius give correct descriptions of Maximinus' violent personal reaction to Constantine's appointment as *maximus augustus* and against *litterae Constantini*.¹⁵⁹ It was quite natural as it meant that he was disregarded as the supreme emperor of the Empire. However, Lactantius and Eusebius do not make it clear that Maximinus really did recognize Constantine as the supreme *augustus* of the Empire and followed *litterae Constantini* with its demands for complete religious freedom for the Christians¹⁶⁰ – and that was a fact even by the end of the year 312.¹⁶¹ As we have suggested, Maximinus probably accepted Constantine's approaches on the condition that they would exercise the actual Imperial power in the East and West respectively.¹⁶² In any case, it was a great political victory for Constantine that he could use his new position of power immediately to establish friendly relations with Maximinus. In fact, he had thus prevented him from forming a joint front with Licinius against him.

¹⁵⁷ Cf. *h.e.* IX, 9a, 10: οὐκέτ' ἀληθῆς οὐδ' ἀξιόπιστος παρὰ τοῖς πᾶσιν ἦν τῆς πρόσθεν ἡδὴ μετὰ τὴν ὁμοίαν συγχώρησιν παλιμβόλου καὶ διεψευσμένης αὐτοῦ γνώμης ἔνεκα.

¹⁵⁸ See *h.e.* IX, 9a, 11.

¹⁵⁹ Lactantius and Eusebius are in agreement on this matter, see *De mort.* XLIV, 12 and *h.e.* IX, 9, 13.

¹⁶⁰ It is clear from the fact that Constantine kept his decision to appoint him consul for the year 313.

¹⁶¹ Maximinus' *mandatum* was issued in the year 312, cf. *h.e.* IX, 9a, 4, so he had given in to Constantine's demands before the end of that year. From this fact we can also conclude that *litterae Constantini* must have been sent to Maximinus immediately after the victory over Maxentius.

¹⁶² We may also conclude that this was a widespread understanding in the West from a recently discovered inscription dated 22 January 313 which was issued in Gaeta: *D(ominis) n(ostris) Constan(tino Augusto) III et Maximino Aug(usto) III consulibus, XI Kal(endas) Februaris(s) Cornelius Gelastus, sacerdos XV uiralis M(atris) M(agnae) I(daeae) Frygiae (sic!), taurobolium mouit feliciter (L'Année Epigraphique 1969/1970, No. 118 (1972)).*

6. The Milan Conference

When Constantine had consolidated his rule in Rome, he went to Milan at the end of January 313.¹⁶³ He had arranged to meet Licinius there. The official occasion was Licinius marriage to Constantine's sister Flavia Julia Constantia.¹⁶⁴ But in this connection negotiations were to be conducted on all matters of importance to the empire – including the religious policy.¹⁶⁵

In his account of the Milan conference in *Nik.* and *Caes.* Licinius gives the impression that he and Constantine negotiated as equals. This cannot be correct. On the contrary, Constantine must have directed Licinius to come to Milan¹⁶⁶ to make decisions with him on the problems between them – and when *concordia* had been established in this way, it was to be sealed with the marriage between Licinius and Constantine's sister. Clearly, Constantine took the initiative and he must have sent his directions immediately after his victory over Maxentius instructing Licinius to come to Milan. We can conclude that much from the information given by Lactantius.

Epitome de caesaribus also says that Diocletian was invited to the wedding. He supposedly declined the invitation because of his age. It just made Constantine and Licinius write to him in a threatening tone accusing him of having favoured Maxentius and continued his favouritism with Maximinus. Diocletian seems to have been afraid that they would murder him, so he took his own life.¹⁶⁷

¹⁶³ Cf. *De mort.* XLV,1: *Constantinus rebus in urbe compositis hieme proxima Mediolanum concessit.* According to *Paneg.* X (321),6 Constantine stayed for two months in Rome so he would have left for Milan at New Year 313. According to O. Seeck: *Regesten*, 160 Constantine was still in Rome on 18 January 313. It is most likely, therefore, that he started out at the end of January and arrived in Milan at the beginning of February 313.

¹⁶⁴ Cf. *De mort.* XLV,1: *Eodem Licinius aduenit, ut acciperet uxorem.* *Anon. Val.* 6,13 *Epit. de caes.* 41,4 and *Zos.* II,17,2 also specifically mention Licinius's and Constantia's wedding in Milan.

¹⁶⁵ This appears from *Nik.* which states that Constantine and Licinius negotiated *uniuersa quae ad commoda et securitatem publicam pertineret, ... haec inter cetera quae uidebamus pluribus hominibus profutura* (sc. diuinitatis reuerentia) (*De mort.* XLVIII,2). Precisely the same information can be found in Greek translation in *Caes.* (*h.e.* X,5,4).

¹⁶⁶ No great weight should be given to the passage, but we should note that *Epit. de caes.* 41,4 states that Constantine gave away his sister in marriage to *Licinio Mediolanum accito.*

¹⁶⁷ Cf. *Epit. de caes.* 39,7: *Quippe cum a Constantino atque Licinio uocatus ad festa nuptiarum per senectam, quo minus interesse ualeret, excusauisset, rescriptis minacibus*

In its present form, the *epitomator's* account cannot be accepted as historically correct. It is obviously wrong to say that Diocletian supported Maxentius – as the leader of the Carnuntum conference he even banished him as *hostis rei publicae*. Nor can it be true that Licinius turned on Diocletian together with Constantine. Licinius had been elected *augustus* of the West at the Carnuntum conference with Diocletian's official approval, so we should have expected Licinius to have appealed to Diocletian for help against Constantine who had violated his legitimate rights by taking control of the West. In spite of these critical comments, though, we should not dismiss the *epitomator's* account out of hand.

After his victory over Maxentius, Constantine's entire policy had been concentrated on preserving his new ruling position and avoiding civil war with Maximinus and Licinius. Therefore he had to come to an agreement with them but he also needed a binding settlement that was respected by all. On that basis it would be natural to invite Diocletian to the political negotiations planned in Milan in connection with Licinius' wedding – Diocletian still enjoyed great authority and as *senior augustus* his approval was needed if any significant change to the established form of government was to have any legitimacy. It would have greatly strengthened Constantine's position if the new order of government leadership that he had planned, could be sanctioned by Diocletian's personal presence in Milan! The *epitomator* was probably also correct in saying that Diocletian declined and he did so because he did not approve of recent developments.¹⁶⁸

If we consider it likely that Diocletian was invited to attend the Milan conference, we must certainly also ask if Maximinus did not also receive an invitation. Everything seems to support such an assumption. We know that the Milan conference was supposed to discuss and settle all matters of policy – including religious policy – of significance to the Roman Empire and its people. Constantine had recognized Maximinus as a legitimate emperor so it would only be natural if he participated in a conference designed to create an order which would ensure agreement among the emperors and thus peace and unity within the Roman Empire. It would be all the more sensible to invite Maximinus because otherwise Constantine could be

acceptis, quibus increpabatur Maxentio favisse ac Maximo favere, suspectans necem dedecorosam venerum dicitur hausisse.

¹⁶⁸ Constantine and Licinius blamed Diocletian that he joined the group that the official version regarded as their enemies after 313, and that can only mean that they were regarded as the destructors of the Diocletian tetrarchy. Similarly, the *epitomator* in reality says that Diocletian saw Maximinus as the legitimate heir to the Diocletio-Galerian policy.

suspected of double dealing and of setting one emperor against the other – a tactic for which he had already demonstrated considerable talent! Much then suggests that immediately after the defeat of Maxentius Constantine had decided to hold a summit conference with Diocletian, Maximinus and Licinius in connection with the wedding arranged between Licinius and Constantia. By calling this conference and arranging it in Milan, Constantine clearly showed that he acted as *maximus augustus* – the other emperors had to come to his territories and were therefore in reality at his mercy if they decided to follow their own course rather than Constantine's

Whether invitations had been sent to both Diocletian and Maximinus or not, only Licinius met with Constantine in Milan.¹⁶⁹ Licinius must have been very reluctant to follow Constantine's de facto order to come to Milan and be married to his sister Constantia. It meant that in reality he acknowledged Constantine's right to rule over Maxentius' former possessions. Licinius had no other choice, though, because he had to accept that refusal to recognize Constantine's new ruling position would lead to open conflict. From Constantine's appointment of Maximinus as consul for the year 313, Licinius could even conclude that Constantine sought political cooperation from him and given Maximinus' accommodating attitude, Licinius could fear that Constantine would use Maximinus in his fight against him. His previous experiences can only have taught Licinius that Constantine did not allow his plans to be thwarted! On the other hand, Constantine must have been vitally interested in reaching an agreement with Licinius. A political agreement with him would prevent him from getting together with Maximinus and at the same time strengthen his position in relation to Maximinus. They both had an interest in reaching an understanding – and Licinius probably arrived in Milan hoping that he could use the situation to strengthen his political position.

We know that Constantine and Licinius discussed *uniuersa quae ad commoda et securitatem publicam pertinerent*¹⁷⁰ – and that meant problems of vital interest to the entire Roman Empire and its people. There is probably little doubt that a significant issue in the negotiations was the question of who would exercise supreme leadership of government and which areas would be controlled by individual emperors – the latter point

¹⁶⁹ If Maximinus had declined an invitation to participate in the Milan Conference, he may have done so because he did not wish to show his submission to the new ruler of the West in quite such an obvious fashion. On the other hand it is then easier to understand why it was so important to him to show himself to be ready to meet Constantine's demands for fear that Constantine and Licinius would become associates.

¹⁷⁰ *De mort.* XLVIII,2.

included the problem of deciding who was the legitimate ruler of Maxentius' former possessions. We have no knowledge of the development of the negotiations. The political situation that emerged, though, allows us to say that Licinius had to acknowledge Constantine as *maximus augustus* and accept him as the legitimate emperor of Italy and North Africa. It is difficult to imagine, though, that Licinius would have given up his rightful claims on Maxentius' former possessions without getting anything in return, but we cannot determine with any certainty what he was given. In the light of subsequent events, though, it seems reasonable to assume that Constantine and Licinius agreed that the latter would get Asia Minor. In that way, Licinius would control Galerius' former possessions and been compensated for the loss of his political rights in the West.¹⁷¹

Constantine and Licinius discussed matters of significance to the Roman Empire, and foremost among them was *diuinitatis reuerentia*. *Nik.* and *Caes.* agree that at the Milan meeting it was agreed that the Christians and everybody else must be given unrestricted religious freedom so that all divine forces could become forgiving and merciful towards the emperors and the entire population of the Empire.¹⁷²

Both *Nik.* and *Caes.* obviously strive to give the impression that in Milan a decision was made to introduce religious freedom for everybody without exception.¹⁷³ We must note, though, that both *Nik.* and *Caes.* are rescripts issued by Licinius and therefore cannot be completely identified with the Milan Edict proper.¹⁷⁴ Closer analysis will show that the passages in the

¹⁷¹ It may have been an attempt to legitimize the agreement that Licinius was to take over Asia Minor that a theory was proposed: the transfer happened in accordance with Galerius' wishes. Constantine gave some of Maxentius' former troops to Licinius, cf. *Paneg.* IX (313),21,3, and we can probably regard this as a quid pro quo from Constantine – in that way he would strengthen Licinius' position in relation to Maximinus.

¹⁷² Cf. *De mort.* XLVIII,2: *Cum feliciter tam ego Constantinus Augustus quam etiam ego Licinius Augustus apud Mediolanum conuenissemus atque uniuersa quae ad comoda et secutaritatem publicam pertinerent, in tractatu haberemus, haec inter cetera quae uidebamus pluribus hominibus profutura, uel in primis ordinanda esse credidimus, quibus diuinitatis reuerentia continebatur, ut daremus et christianis et omnibus liberam potestatem sequendi religionem quam quisque uoluisset, quo quicquid <est> diuinitatis in sede caelesti, nobis atque omnibus qui sub potestate nostra sunt constituti, placatum ac propitium possit existere.* The corresponding passage in *h.e.* X,5,4 deviates from the Latin original only with linguistic details that do not affect the meaning.

¹⁷³ This is particularly pronounced in *Nik.* because the rescript omits the introduction in *Caes.* (*h.e.* X,5,2-3) and moves straight to the account of the Milan Conference.

¹⁷⁴ In strictly legalistic terms, O. Seeck's *dictum* remains valid: "ein Edikt von Mailand, das sich mit der Christenfrage beschäftigte, hat es nie gegeben. Eine Urkunde, welche man mit diesem Namen zu benennen pflegt, ist uns zwar noch im Wortlauf

two rescripts cannot have represented the actual decisions at the Milan Conference.¹⁷⁵ As we have already said they are actually insertions into *litterae Constantini*, the common original of both *Nik.* and *Caes.*, added in a way that disrupts the original's clear continuity. We can add that a marked difference exists between *litterae Constantini* proper and the insertion on the Milan Conference in *Nik.* and *Caes.* In *litterae Constantini* the motivation to demand unrestricted religious freedom for the Christians is that it is the only way to ensure that *summa diuinitas* – the Christian god – that the emperors have decided to follow, will continue to grant them his blessings. In the passage on the decisions on religious policy at the Milan Conference, however, the introduction of universal religious freedom is explained from a pagan henotheistic understanding of divinity. From that follows that it must come from a heathen which means that it can only be ascribed to Licinius and be the personal expression of his idea of the true religious policy.¹⁷⁶ Nevertheless, *Nik.* and *Caes.* incorporate the central passages from *litterae Constantini* with its recognition of the Christian god, and that can only be because Licinius was obliged to publish them. It must then mean that at the Milan Conference Constantine had demanded Licinius' acceptance of *litterae Constantini* and been given it – and that involved the obligation to publish it in the territories under his control. So at the Milan Conference Constantine and Licinius did not discuss and agree upon a new religious policy; they ratified the religious policy that Constantine had devised and written in *litterae Constantini* immediately after his victory over Maxentius.

Nik. and *Caes.* also give the impression that Constantine and Licinius decided at the Milan Conference that the Christians' meeting places and all other church property which had been confiscated must be returned to the church immediately. Whether people had bought confiscated church property or had received it as a gift, they must return it without financial compensation and without claiming damages.¹⁷⁷ The return is believed to

erhalten; aber diese ist erstens kein Edikt, zweitens nicht in Mailand erlassen, drittens nicht von Konstantin, und viertens bietet sie nicht dem Reiche gesetzliche Duldung, welche die Christen damals schon längst besaßen, sondern ihr Inhalt ist von viel beschränkterer Bedeutung" (*Zeitschrift für Kirchengeschichte* XII (1891), 381. "Das sogenannte Edikt von Mailand").

¹⁷⁵ For a detailed argument in support of the following statements, see my "The So-Called Edict of Milan" in *Classica et Mediaevalia*, vol. 35 (1984), 129-175.

¹⁷⁶ For more details, see note 254.

¹⁷⁷ The central passage reads: *Atque hoc insuper in persona christianorum statuendum esse censuimus, quod, si eadem loca, ad quae antea conuenire consuerant ... priore tempore aliqui uel a fisco nostro uel ab alio quocumque uidentur esse mercati,*

ensure that divine mercy, which the emperors had already experienced in many crucial matters, could be joyfully preserved for their successors and for the empire.¹⁷⁸

This reason for the return of confiscated church property implies that the emperors recognize the Christian god as their tutelary god, and so it is similar to the reason given in *litterae Constantini*. In itself, this could suggest that the demand for the return was part of the Milan decisions. We know, though, that even when Constantine was still in Rome, he had written to Anullinus, the proconsul of North Africa, and ordered him to ensure that all confiscated church property was returned forthwith to the North African church.¹⁷⁹ This measure was really just a simple consequence of Constantine's religious convictions: only the worship of the Christian god had protected the emperors and the Roman empire, so obviously the Christians must be given back all confiscated church property to enable them to worship the Christian god to the full. Therefore it is also likely that at the Milan conference Constantine had demanded that *litterae Constantini* must be supplemented with a decree on the compulsory return of all church property.¹⁸⁰ However, the offer of damages to those that had to return

eadem christianis sine pecunia et sine ulla pretii petitione postposita omni frustratione atque ambiguitate, restituant, qui etiam dono fuerunt consecuti, eadem similiter isdem christianis quantocius reddant (De mort. XLVIII,7-8 init.).

¹⁷⁸ The passage quoted in the previous note only finds its continuation in *cap. XLVIII,11: Hactenus fiet, ut, sicut superius comprehensum est, diuinus iuxta nos fauor, quem in tantis sumus rebus experti, per omne tempus prospere successibus nostris cum beatitudine publica perseueret.* The passage between *cap. 7-8 init.* and 11 constitutes a later insertion which includes a promise of damages to those that had to return church property and also some explanatory comments on the demand for restitution. For more detailed reasons, see my “The So-Called Edict of Milan”.

¹⁷⁹ The central decree in Constantine's letter, which Eusebius included in Greek translation, reads: ἡ σὴ ταύτης ἡμῶν τῆς κελεύσεως σαφέστατον εἶναι τὸ πρόσταγμα, σπούδασον, εἴτε κῆποι εἴτε οἰκίαι εἴθ' ὅτιουνδήποτε τῶ δικαίῳ τῶν αὐτῶν ἐκκλησιῶν διέφερον ... (*h.e. X,5,17*). The letter was probably sent from Rome and can thus be dated early in the year 313 at the very latest, cf. N.H. Baynes in *Proceedings of the British Academy XV*, 348.

¹⁸⁰ The letter to Anullinus with its precise identification of what must be returned to the church shows that the demand for restitution is new. Consequently it cannot have been included in *litterae Constantini*. It probably did not occur to Constantine till after it was published that the emperors' demand that the Christians must worship their god to ensure *salus* for the Empire meant that they had to be given back everything needed to attend to their cult.

property, whether they had bought it or received it as gifts, is a later decree that can only be ascribed to Licinius.¹⁸¹

This should prove that in their present form *Nik.* and *Caes.* do not directly reflect the political decisions on matters of religion made at the Milan Conference. An analysis of these Licinian rescripts further shows them to be heterogeneous. They contain *litterae Constantini* with its demand for unconditional freedom of religion for the Christians and the decree on immediate and unconditional restitution of confiscated church property – both measures inspired by the emperors' recognition of the Christian god on whose benevolence both the emperors and the Roman Empire depend. They also contain material which is based on a henotheistic concept of god in its demand for universal freedom of religion and in general shows conscious consideration for paganism – and that includes the promise of compensation. It is also clear that the material is a later addition designed to neutralize the effects of the obviously pro-Christian passages in *Nik.* and *Caes.* We have already shown that Licinius supported paganism¹⁸² so he must be the author of the pro-pagan sections of *Nik.* and *Caes.* In spite of his pagan convictions, Licinius incorporated *litterae Constantini* and the demand for restitution including the acknowledgement of the Christian god, and that can only be explained if the insertions reflected a law that he was obliged to publish. In other words, there was an actual Milan edict whose central decrees were included in *Nik.* and *Caes.*¹⁸³

We find further confirmation of this in the edict that Maximinus issued in support of the Christians in the summer of 313.¹⁸⁴ It is interesting that its demands for unconditional religious freedom for the Christians and restitution of confiscated church property are quite similar to the Milan Edict as we can reconstruct it from *Nik.* and *Caes.*¹⁸⁵ This similarity can only have

¹⁸¹ It states that everybody must return confiscated church property without delay *sine pecunia et sine ulla pretii petitione*, and it means that no one will be financially compensated, nor can they demand damages. Nevertheless, this is followed immediately by a promise of damages to those that give back church property, see *De mort.* XLVIII,8 = *h.e.* X,5,10, and that is a later addition. There is no doubt that the promise was designed to lessen the natural resentment of the heathens at having to comply with the harsh decrees on restitution.

¹⁸² See above chapter III at note 313 and f.

¹⁸³ In addition to *litterae Constantini*, it contained *De mort.* XLVIII,7-8 *init.* and 11 = *h.e.* X,5,9 and 13.

¹⁸⁴ See *h.e.* IX,10,7-11.

¹⁸⁵ It is quite unthinkable that Maximinus would have excluded the passage in *Nik.* and *Caes.* which bases itself on a henotheistic concept of god in its proclamation of unrestricted religious freedom for everybody – both Christians and heathens. It is just as unthinkable that he would have excluded the passage containing the promise of

occurred because Maximinus copied its central decrees – and that again means that it was sent to him for publication by Constantine and Licinius.

Lactantius reports that an angel of god appeared to Licinius on the night before the fateful battle with Maximinus on 30 April 313 and taught him a prayer which he must say with his army on the following morning.¹⁸⁶ This was the prayer: *Summe deus, te rogamus, sancte deus, te rogamus: omnem iustitiam tibi commendamus, salutem nostram tibi commendamus, imperium nostrum tibi commendamus. Per te uiuimus, per te uictores et felices existimus. Summe, sancte Deus, preces nostras exaudi: brachia nostra ad te tendimus: exaudi sancte, summe deus.*¹⁸⁷ Quite remarkably, the contents of this prayer are in complete accordance with the decree issued at the Milan conference. Both texts include a declaration of faith in *summus deus* or – synonymously – *summa diuinitas* who grants life, prosperity and happiness to the emperors and the empire.

It is quite obvious that the Christians just like Lactantius understood *summus deus* to mean the Christian god.¹⁸⁸ To the pagans, the term would indicate a deity that could not be identified as one of the traditional gods of the Roman Empire. On the other hand, they could see it as a name for the supreme god that worked through local subordinate deities – but the very marked personal tone of the prayer must have seemed odd.¹⁸⁹ In any case, *summus deus* and *summa diuinitas* served the emperors well as expressions of support for the Christian god without seeming provocative to the powerful pagan community.

We know that in *Nik.* and *Caes.*, which were published shortly after the battle with Maximinus, Licinius let it show that he was a heathen.¹⁹⁰ For that reason alone we cannot possibly share Lactantius' assumption that Licinius was a Christian who prayed for victory to the Christian god –

compensation to those that must return church property. These passages were in complete agreement with the principles of government that Maximinus specified in the introduction to the edict, and in general they made his complete cessation of all kinds of persecution of the Christians more acceptable to the heathens. The fact that these passages have not been included is therefore the most compelling evidence that they were not in the Milan edict which formed the model for Maximinus' own edict.

¹⁸⁶ See *De mort.* XLVI,2-6.

¹⁸⁷ *cap.* XLVI,6.

¹⁸⁸ This is clear from *De mort.* XLVI,2-3, where *summus deus* is confronted with Juppiter.

¹⁸⁹ *Paneg.* IX (313),2,5 and 26 are excellent examples of the pagan perception of the *summus deus* that Constantine worshipped.

¹⁹⁰ It appears from *De mort.* XLVIII,2,6 and 8 = *h.e.* X,5,4, 8 and 10.

originally the prayer had no connection to Licinius.¹⁹¹ As we said, the prayer expresses that same religious convictions as the reconstructed edict of Milan, so Constantine must be its origin¹⁹² – whether he phrased himself or he had it from one of his church advisors such as Hosius is of no significance in this context. In spite of his fundamentally heathen convictions, Licinius still used the prayer as the emperors’ authorized prayer to *summus deus* and that can only be the result of a demand from Constantine which Licinius had to fulfil. But this gives additional evidence of the urgency which Constantine felt in the need to acknowledge and worship the god of the Christians. Apparently, the imperial armies must pray to *summus deus* as a matter of course,¹⁹³ and therefore we can assume that the prayer was used officially at court.¹⁹⁴

As we have said, Constantine must have arrived in Milan at the beginning of February and he seems to have stayed at least till the beginning of March when he went to Gaul.¹⁹⁵ His political negotiations with Licinius took place in that period. We know nothing about these negotiations, as we noted above, but the end result shows that in all essential matters, Constantine had his way. Licinius had to acknowledge him as *maximus augustus* and give up his rights in the West and support his obviously pro-Christian

¹⁹¹ Henri Grégoire makes the opposite point in *Revue de l’Université de Bruxelles* XXXVI, 258ff.

¹⁹² A. Piganiol was the first to argue that this prayer as “*le credo impérial*” originated with Constantine and not Licinius, see *L’empereur Constantin*, 77f. However, his reasoning is awkward. It is based on the understanding that unlike Constantine Licinius is *infestus litteris* and has persecuted philosophers, cf. *Aurel. Vict. Lib. de caes.* 41, 5 so such a philosophically composed prayer cannot come from him. We must not draw too many conclusions, though, from the pagan chroniclers’ short notes, even less so because their Roman patriotism made them regard the Illyrian emperors as hostile to education and culture. Moreover, *deus summus* appeared in pagan religious philosophy but this prayer can hardly be said to be particularly philosophical in nature!

¹⁹³ *Vita Constantini* IV,19 reports that Constantine issued a law ordering heathen soldiers to go into open fields on Sundays and say a specific prayer in Latin to the supreme god. H. Grégoire has argued most convincingly that the prayer given in Greek in *cap.* 20 is identical with the prayer to *summus Deus* quoted by Lactantius, see *Revue de l’Université de Bruxelles* XXXVI, 261. But in contrast to Grégoire’s conclusion this only seems to suggest that Constantine was behind the prayer and decreed that it must be used in the army. It is also clear that the prayer may well have been intended for the Christian god, but it was constructed in a way that also heathens could use it.

¹⁹⁴ In his speech at the festival in Trier in 313, the panegyrist ended with a prayer to *summus rerum sator*, see *Paneg.* IX,26,1, and that is clear evidence that a prayer must be said to *summus deus* when the emperor is present.

¹⁹⁵ According to *Cod.Theod.* X,8,1 Constantine was still in Milan at the beginning of March 313, cf. J. Moreau, *Commentaire*, 446.

religious policy. He even had to follow Constantine in his official recognition of the Christian god as the true tutelary god of the emperors and the Roman Empire – and for that reason Licinius was regarded from now on as a pious and god loving emperor by the Christians. The agreement between Constantine and Licinius could quite easily be considered a pact – which was given its official seal when Licinius married Constantia.¹⁹⁶ Constantine and Licinius still recognized Maximinus as a legitimate emperor, and so they probably sent him a report on the decisions made for his approval. If Maximinus' positive approach to *litterae Constantini* had been taken to mean that he would approve the results of the Milan Conference, that turned out to be a serious miscalculation. Maximinus reacted sharply by mounting a counter offensive!

7. Maximinus' failed counterattack

Only Lactantius gives a detailed account of Maximinus' *exitus et ruina*.¹⁹⁷ He says that as soon as Maximinus understood that Constantine and Licinius were busy at the wedding festivities in Milan, he moved his army from Syria to Bithynia in a series of long daily marches.¹⁹⁸ It happened in the depth of winter, so the army had to endure rain, snow, mud and cold which meant that it was weakened and lost a large number of draught animals.¹⁹⁹ In spite of this, Maximinus managed to cross the Strait of Hellespont with a considerable army counting 70,000 men according to Lactantius.²⁰⁰

Maximinus must have reached the straight of Hellespont at the beginning of April 313.²⁰¹ The exhausting march through the Taurus Mountains and

¹⁹⁶ This is also the interpretation of the relationship given in *Anon. Val. 5,13: sed oppresso Maxentio cum recepisset Italiam Constantinus, hoc Licinium foedere sibi fecit adiungi, ut Licinius Constantiam sororem Constantini apud Mediolanum duxisset uxorem.*

¹⁹⁷ *De mort.* XLIII,1.

¹⁹⁸ Cf. *cap. XLV,2: Maximinus ubi eos intellexit nuptiarum sollemnibus occupatos, exercitum mouit e Syria hieme cum maxime saeuiente et mansionibus geminatis in Bithyniam concurrat debilitato agmine.*

¹⁹⁹ See *cap. XLV,3.*

²⁰⁰ See *cap. XLV,7.*

²⁰¹ According to *cap. XLVII,5* the decisive battle between Maximinus and Licinius was fought on 30 April but before that Maximinus had taken 11 days to force Byzantium into submission and several days to conquer Heraclea, see *cap. XLV,4-5*. If we include the time it took to march from the Strait of Hellespont to *campus Ergenus*, Maximinus' invasion of the Balkans most likely took place at the beginning of April, cf. H.J. Lawlor, *Eusebiana*, 219 note 4.

across the Anatolian Plain – the fastest route from Antioch to Nicomedia – must have taken at least six weeks, so Maximinus cannot have left Antioch later than mid-February.²⁰² At that point in time Maximinus must have known about the wedding of Licinius and Constantia. The wording of *De mort.* XLV,2 seems to presuppose that Maximinus had been invited to Milan.

The motives for Maximinus' surprise attack are not mentioned by Lactantius in this context (but they feature in XLVI, 12). When he mentioned Licinius' engagement to Constantia, though, he had said that Maximinus saw it as an alliance directed against him.²⁰³ Later, in his report on the actual battle between Maximinus and Licinius, Lactantius states that Maximinus started the war to win over Licinius' army and then defeat Constantine.²⁰⁴ In reality he has then said that Maximinus saw the marriage between Licinius and Constantia as the seal on an alliance between Constantine and Licinius seeking his downfall. Lactantius also points out that this is a religious war: Maximinus fought for Jupiter and had promised him that if he prevailed he would destroy the Christians²⁰⁵ – the Christian god was on Licinius' side.²⁰⁶

Apart from Lactantius, only Eusebius discusses Maximinus' war against Licinius.²⁰⁷ It is highly fragmented, though. He says that Maximinus broke his pact with Licinius when he attacked him.²⁰⁸ Maximinus also started the

²⁰² Cf. H.J.Lawlor's assessment in *Eusebiana*, 220.

²⁰³ See *cap.* XLIII,2.

²⁰⁴ Cf. *cap.* XLVI,12: *eoque proposito mouerat bellum, ut exercitu Licinii sine certamine accepto ad Constantinum duplicatis uiribus statim pergeret.*

²⁰⁵ Cf. *cap.* XLVI,2: *Tum Maximinus eius modi uotem Ioui uouit, ut si uictoriam cepisset, christianorum nomen extingueret funditusque deleteret.*

²⁰⁶ See *cap.* XLVI,3-7.

²⁰⁷ Aurel. Vict. *Lib. de caes.* 41,1 and Zos. II,17,3 briefly mention a war between Maximinus and Licinius, while *Eutrop.* X,4,4 characterizes it as Maximinus' rebellion against Licinius.

²⁰⁸ Cf. *h.e.* IX,10,2: ἐπιτείνας δ' εἰς ἀπόνοιαν τὰ τῆς μανίας, συνθήκας ἄς πρὸς Λικίνιον πεποίητο, παρασπονδήσας, πόλεμον ἄσπονδον αἴρεται. In *cap.* 10,1 Eusebius had said that Maximinus had behaved daringly provocatively by calling himself *maximus augustus*.

war because he had faith in the gods and his soldiers²⁰⁹ – priests and prophets had urged him to take up arms in their oracles.²¹⁰

If we compare Lactantius' and Eusebius' information with our knowledge of the Milan Conference and its decisions, the motives for Maximinus' actions against Licinius become quite clear. It is likely that Maximinus was afraid that the Milan conference would result in an alliance, dangerous for him, between Constantine and Licinius. When the conference decisions were sent to him for approval, they must have confirmed his worst suspicions. He was required to recognize Constantine as *maximus augustus* but most likely also to give up Asia Minor to Licinius and publish the Milan edict with its pro-Christian religious policy, which was even determined by the emperors' personal acknowledgement of the Christian god.

Maximinus' sharp reaction is understandable. Licinius wanted to expand his territory at Maximinus' cost and he had recognized the Christian god publicly together with Constantine, so he had broken their agreement. Moreover, Constantine had offered Maximinus his hand in friendship only to invite Licinius to join him in an alliance. Maximinus could only see this as another example of Constantine's political double game – his openness had, in other words, proved fruitless. If Maximinus gave in to Constantine and Licinius, he would in fact be completely dependent on their whims – his future political position would remain completely insecure. Finally, if he accepted the Milan edict he would have to abandon the pagan gods.

For Maximinus it was both politically and religiously necessary to face up to Constantine's and Licinius' demands. He also had the strength to do it. His regime was well consolidated and he commanded a disciplined and loyal army.²¹¹ Moreover, he could appear with the prestige that came of

²⁰⁹ Cf. *cap.* 10,2: εἴτ' ἐν βραχεῖ τὰ πάντα κυκήσας πᾶσάν τε πόλιν ἐκταράξας καὶ πᾶν στρατόπεδον, μυριάδων τὸ πλῆθος ἀνηρίθμων, συναγαγόν, ἔξεισιν εἰς μάχην αὐτῷ παραταξάμενος, δαιμόνων ἐλπίσιν, ὧν δὴ ὄρετο θεῶν, καὶ ταῖς τῶν ὀπλιτῶν μυριάσιν τὴν ψυχὴν ἐπηρμένους. Eusebius' note carries no validity beyond its statement that Maximinus relied on the help of the gods and his good army.

²¹⁰ Cf. *cap.* 10,6: .. πολλοὺς ἱερεῖς καὶ προφήτας τῶν πάλαι θαυματομένων αὐτῷ θεῶν, ὧν δὴ τοῖς χρησιμοῖς ἀναρριπισθεὶς τὸν πόλεμον ἤρατο ...

²¹¹ Eusebius describes the despair and hopelessness that seized the many Christians when Maximinus opened new intensive persecutions, and then in *h.e.* IX,8,1-14 he reports that Maximinus and the populations in his provinces met with many misfortunes. The winter rains never appeared, and the crops failed, so widespread hunger followed. In addition, an outbreak of the plague killed many of the survivors of the hunger. Finally, war broke out between Maximinus and Christian Armenia. These three disasters all occurred simultaneously and according to Eusebius they happened in the winter of 312/13. Eusebius regarded the disasters as the beginning of Maximinus' downfall, see *cap.* 8,3 – his final demise, however, followed his failed war against Licinius, see

being Diocletian's and Galerius' true heir and the rightful *maximus augustus*. Finally, he could count on the support of the most influential sections of the population because he waged war for the immortal gods against the god of the Christians. Against that background, it is very easy to understand that the pagan priests and oracles urged him to act and promised him victory. Maximinus could fight in the knowledge that Jupiter, the principal god of his family, would help him.

Maximinus probably received the report of the Milan conference and its decisions in Antioch. He made the decisions immediately to move into Asia Minor with his standing army (*comitatus*). Maybe Maximinus only

cap. 10,1-6. In his account, Eusebius also wanted to show that these disasters had been a catastrophe for the entire population of Maximinus' provinces. Critical analysis makes it clear, though, that Eusebius exaggerates to an extraordinary extent. It is difficult to believe him when he says that Maximinus and his army wore themselves out in the battles against the Christian Armenians, see *cap.* 8,4 – Eusebius' claim seems all the more untrustworthy because Maximinus was said immediately afterwards to have launched an attack of numerous troops on Licinius, see *cap.* 10,2. We must also be critical of Eusebius' drastic description of the hunger and the plague which were supposed in a very short time to have killed large numbers in the cities and even more in rural districts, leaving many areas quite deserted, see *cap.* 8,5. If the disasters were really as catastrophic as Eusebius claims, it seems odd that he never even mentioned them in his first account of Maximinus and his anti-Christian religious policy in book IX of the church history. In fact, *cap.* 8, 1-14 constitute a later insertion into account in which *cap.* 8,15 had been the direct continuation of *cap.* 7,16. It is also clear that the insertion was added in order to show that Maximinus was wrong when he claimed that peace and prosperity reigned because he ensured that the gods were worshipped, see *cap.* 8,3 and 13. It is also clear that Eusebius knew of the Tyrians' appeal to Maximinus and his rescript to them, and that made Eusebius add the account of the hunger, plague and war that supposedly occurred during Maximinus' reign. We have already shown that Eusebius only learnt about the Tyrians' approach to Maximinus and his response after he had written his first version of book IX of his church history, cf. above chapter IV note 160, and now we have further confirmation that *cap.* 8, 1-14 is a later addition. Eusebius felt obliged to show that Maximinus' "bragging", cf. *cap.* 8, 3 and 13, was without foundation, and it must follow that he refers to real events – his evidence would have been worthless and might even have had the opposite effect if he had made use of pure fiction! In his original account, he described Maximinus' fall without mentioning these disasters, and that must mean that these events were purely local and not of the catastrophic consequences claimed by Eusebius – he exaggerated their significance in order to counter more effectively Maximinus' claims which he considered very dangerous. But that means that the disasters mentioned by Eusebius cannot in any way have created financial and demographic crises in Maximinus' provinces – the war with the Armenians was probably just some border skirmishes. These disasters cannot possibly have weakened the basis of his stable regime or in any other way have limited his freedom of political and military action.

wanted to secure Asia Minor against an attack from Licinius provoked by his refusal to acknowledge the decisions of the Milan conference – because of their pact of friendship Maximinus had no troops of any significance stationed in the areas bordering on the Strait of Hellespont.²¹² If this had been the original plan, Maximinus soon changed it. He decided to invade the Balkans. Licinius had no significant troops stationed in the eastern provinces of the Balkans – he need fear no attack from Maximinus. His troops were deployed along the Danube front and in Rhaetia and Pannonia which bordered on territories that Constantine had recently conquered. As a result, Maximinus had reason to hope that a swift campaign would allow him to conquer all of the Balkans before Licinius managed to collect the forces necessary for a counter attack. In addition, Maximinus was well liked among the soldiers; unlike Licinius, he paid them well and could count on many of Licinius' troops switching to him²¹³ – many of them were Galerius' former soldiers and in a conflict they could be expected to support Maximinus as his legitimate heir who even had Galerius' wife and children staying with him. Taking the Balkans, winning over Licinius' soldiers and keeping them in his pay would give Maximinus a real opportunity to change developments in his favour. Maximinus may well have assumed that his defeat of Licinius would be followed by a military clash with Constantine. In any case, a victory over Licinius would strengthen Maximinus' political position so that by regaining his political freedom of action, he could implement his religious policy. His war on Licinius, first of all, was then in reality a religious war whose outcome would determine whether worship of Jupiter or of the Christian god would prevail in the Roman Empire.

As planned, Maximinus and his large army crossed the Strait of Hellespont without meeting any opposition. The intended quick march was delayed, however, when the garrison of Byzantium gave in only after a siege lasting eleven days.²¹⁴ Then Maximinus moved on Heraclea, and

²¹² Cf. *De mort.* XLV,4: *Erant ibi milites praesidarii, ad huius modi casus a Licinio conlocati.*

²¹³ Cf. *De mort.* XLVI,12: *contemnebat enim Licinium ac desertum iri a militibus existimabat, quod ille esset in largiendo tenax*

²¹⁴ Lactantius writes that in Byzantium there were *milites praesidarii, ad huius modi casus a Licinio conlocati* (*cap.* XLV,4) so it is surprising that the garrison was so thinly manned that it had to succumb to the invading army quite so soon. It seems to show that the garrison of Byzantium was not meant to withstand an attack but only to maintain law and order in the city itself – and for that purpose a fairly small number of soldiers would suffice. According to Lactantius Maximinus tried to lure the soldiers first

again he was delayed because it took several days before the city surrendered.²¹⁵ From Heraclea, Maximinus took his army west along the military road through Thrace to the Danube.²¹⁶

The besieged garrison in Byzantium had managed to inform Licinius of Maximinus' Balkan invasion.²¹⁷ Licinius, who was probably in Serdica, hurried with a few troops to Adrianople.²¹⁸ He intended to block Maximinus' further advancement and keep him for long enough to collect so many troops that he could mount an actual attack and destroy him.²¹⁹ The delays which Maximinus had experienced because of the conquest of Byzantium and Heraclea meant that Licinius could gather 30,000 men and take them 18 Roman miles to the east. At the same time, Maximinus had covered the self-same distance moving to the west on the military road from Heraclea.

Lactantius also reports that when the two armies approached each other, Maximinus promised Jupiter that if he won, he would destroy the Christians.²²⁰ As a countermove the Christian god sent an angel to Licinius with a prayer to *summus deus* which Licinius wrote down and had all the soldiers learn it.²²¹ Maximinus' soldiers advanced but Licinius' troops said the prayer to *summus deus* and were filled with courage and strength.²²² Negotiations were opened between Maximinus and Licinius, but the former refused to make peace.²²³ Licinius' troops then went on the offensive. Maximinus tried in vain to win them over.²²⁴ Instead, his army was attacked and

muneribus et promissis and later by frightening them *ui et oppugnatione*, but he failed – the garrison only surrendered because it was outnumbered, see *cap.* XLV,4-5.

²¹⁵ See *cap.* XLV,5.

²¹⁶ See *ibid.* and *cap.* XLV,6.

²¹⁷ See *cap.* XLV,5.

²¹⁸ See *cap.* XLV,6.

²¹⁹ Cf. *cap.* XLV,7-8: *Qui collectis ex proximo quantis potuit militibus pergebat obviam Maximino, magis ut eum moraretur quam proposito dimicandi aut spe uictoriae, quippe cum ille septuaginta milium armatorum exercitum duceret, ipse uix triginta milium numerum collegisset. Sparsi enim milites per diuersas regiones fuerant et adunari omnes angustiae temporis non sinebant.* It seems like an exaggeration to say that Maximinus and Licinius commanded 70,000 and 30,000 soldiers respectively, but we cannot come to a more accurate assessment of the numbers. On the other hand, Lactantius is no doubt right to say that Maximinus' troops outnumbered Licinius' army.

²²⁰ See *cap.* XLVI,2. *Christianorum nomen* could also refer to Christianity.

²²¹ See *cap.* XLVI,3-7.

²²² Cf. *cap.* XLVI,10-11: *Liciniani scuta deponunt, galeas resoluunt, ad caelum manus tendunt praeentibus praepositis et post imperatorem precem dicunt. Audit acies peritura precantium murmur. Illi oratione ter dicta uirtute iam pleni reponunt capitibus galeas, scuta tollunt.*

²²³ See *cap.* XLVI,11-12.

²²⁴ See *cap.* XLVII,1-2.

cut down. When Maximinus understood that the battle was lost, he took off the imperial purple and fled back to Nicomedia disguised as a slave.²²⁵

Lactantius' account is very detailed but it leaves a confusing impression. It also contains unreasonable and incoherent elements that make it difficult to accept it very readily as historically reliable.²²⁶ Critical analysis shows that the entire account of the revelation of the prayer to *summus deus* and its positive effect on the fighting spirit of the Licinian army is a later insertion which has been added to an account of the battle between Maximinus and Licinius.²²⁷ If we remove the insertion, *cap.* XLVI, 9 merely continues from *cap.* XLV, 7-8 to report that Maximinus deployed his troops in battle formation and attacked. When they learnt of this, Licinius' soldiers took up arms and set off. The field in which the advancing armies would clash, was called *campus Ergenus*.

Without any explanation it then states that Maximinus and Licinius had opened mutual negotiations.²²⁸ It states very clearly that Licinius had encouraged Maximinus very urgently to make peace, but he had refused. According to Lactantius,²²⁹ the reason was that Maximinus despised Licinius and expected his troops to defect to him without much resistance. In other words, Maximinus believed himself to be in charge of the situation, and Licinius was the defeated party begging for peace.

Nothing in Lactantius' account gives a satisfactory explanation for this situation. Zosimos, though, says that a hard battle was fought between

²²⁵ See *cap.* XLVII,2-5.

²²⁶ Against this background, it is surprising that *cap.* XLV,6-XLVII,6 has never been subjected to detailed critical analysis. But cf. Karl Roller, *op.cit.*, 14ff.

²²⁷ According to *cap.* XLV,7-8 Licinius had no plan to wage war but only to delay Maximinus' progress. However, *cap.* XLVI,8 says that Licinius planned an attack, and finally, *cap.* XLVI,9 states that Maximinus had taken the initiative and opened the battle. Therefore, *Nuntiatum in castra etc.* in *cap.* XLVI, 9 must be the continuation of XLV, 7-8. As a result, we must regard *cap.* XLV,1,7 at least as a later insertion. This is probably also true of *cap.* XLVI,8-9 *init.* which is intended to explain why Maximinus pre-empted Licinius' decision to attack. *Cap.* XLVI,10-11 *init.* explaining how saying the prayer to *summus deus* had strengthened the morale of Licinius' troops, also forms part of the insertion which then comprises *cap.* XLVI,1-9 *init.* and 10-11 *init.*

²²⁸ Cf. *cap.* XLVI,11: *Procedunt imperatores ad conloquium*. This is not just added without explanation; it comes as a complete surprise because the passage immediately before would have as its natural continuation an account of Licinius' troops moving into battle with Maximinus' troops and winning their victory because of their prayer to *summus deus*.

²²⁹ Cf. *cap.* XLVI,12: *Ferri non potuit Maximinus ad pacem: contemnebat enim Licinium ac desertum iri ad militibus existimabat, quod ille esset in largiendo tenax, ipse autem profusus*

Licinius and Maximinus; Licinius suffered initial defeat but immediately resumed the fight against Maximinus and put him to flight.²³⁰ This note, whose accuracy we have no reason to doubt, gives us the key to an understanding of Lactantius' otherwise mysterious account.

Events must have developed in the following fashion: Maximinus' troops had launched an attack and prevailed in the battle against Licinius' army. When defeat loomed, Licinius attempted to save what he could in peace negotiations. Maximinus must have accepted a ceasefire, but he felt so certain of victory that he completely rejected Licinius' offer of peace. Lactantius' comment that he did so because he despised Licinius is probably correct in the sense that Maximinus no longer trusted him because he had broken their pact of friendship – therefore he must have demanded unconditional surrender. He could do that all the more easily because he was convinced that Licinius' troops would join him. Lactantius' information that Maximinus attempted to win over Licinius' soldiers must refer to the time immediately after the rejection of Licinius' peace proposals and while the ceasefire still lasted.²³¹

Licinius' troops did not desert their old general. They made a sudden raid at Maximinus who had to retreat. This surprising action soon developed into a comprehensive attack on Maximinus' army. It came as a complete surprise to his troops who believed they had won the battle – and as the ceasefire was in force, they were not ready for battle at all.²³² In this surprise attack, Licinius' army inflicted heavy casualties on Maximinus' troops.²³³ He managed to change certain defeat to victory.²³⁴ Maximinus

²³⁰ Cf. *Zos.* II,17,3: .. Λικιννίῳ δὲ καὶ Μαξιμίῳ πολέμων ἐμφυλίων ὑπεκκαυθέντων καὶ μάχης ἐν Ἰλλυριοῖς καρτερᾶς γενομένης, ἔδοξεν μὲν τὴν ἀρχὴν ὁ Λικίννιος ἐλαττοῦσθαι, παραχρῆμα δὲ ἀναμαχεσάμενος εἰς φυγὴν τρέπει τὸν Μαξιμῖνον ...

²³¹ Cf. *De mort.* XLVII,2: *Maximinus aciem circumire ac milites Licini anos nunc precibus sollicitare, nunc donis.* Lactantius placed this passage after section 1 in which he explained how Licinius' troops had attacked and pushed back the enemy. But this is unthinkable and is contradicted by the very next words: *Nullo loco auditur. Fit impetus in eum et ad suos refugit (cap. XLVII,2).* Lactantius must have placed the episode incorrectly as it must have occurred while the ceasefire still lasted.

²³² Lactantius' own words make it very clear that Maximinus' troops were not ready for battle: *Liciniani impetu facto aduersarios inuadunt. Illi uero perterriti nec gladios expedire nec tela iacere quiuerunt (cap. XLVII,1).*

²³³ Lactantius gives contradictory information on Maximinus' losses. We get the impression that his entire army was destroyed when Lactantius writes: *Caedebatur acies eius impune et tantus numerus legionum, tanta uis militum a paucis metebatur (cap. XLVII,2).* But a little later he states: *At in exercitu pars dimidia prostrate est, pars autem uel dedita uel in fugam uersa est (cap. XLVII,4).* The latter passage is closer to the truth as we can see from *cap. XLVII,6.* Eusebius makes brief mention of the outcome of

had been robbed of certain victory and saw no other way out than to flee back to Nicomedia dressed as a slave.²³⁵ He arrived on 1 May, the day after the surprising and quite unexpected end to the battle at *campus Ergenus*.²³⁶

In Nicomedia Maximinus collected his wife and his children and senior officials and moved east.²³⁷ In Cappadocia he had established a new army consisting in part of soldiers that had escaped from the battle at *campus Ergenus*, in part of soldiers that he must have moved from nearby *limes* bordering on the Euphrates region.²³⁸ Maximinus, who had donned imperial purple again,²³⁹ seems to have given up Asia Minor. His tactic, apparently, was to delay the advancement of Licinius' troops down through Asia Minor in order to gain time to set up a new line of defence at the passes in the Taurus Mountains and to collect new troops brought up from Syria, Palestine and Egypt.²⁴⁰ In this way he should have a genuine chance to stop Licinius' further conquests at that point.

the battle and according to him Maximinus had relied on his army but it had been completely annihilated and his life guard had deserted him and joined Licinius, see *h.e.* IX,10,4. If we compare Eusebius' note to *De mort.* XLVII,4, it is clear that he is wrong and only wishes to show that a king should never rely on his armies, only on God.

²³⁴ It was no doubt this unexpected victory that made the Christians believe that their god had granted Licinius his victory over Maximinus just as he had done when Constantine defeated Maxentius. The idea is expressed as follows in *De mort.* XLVII, 3: *Nemo nominis, nemo uirtutis, nemo ueterum praemiorum memor: quasi ad deuotam mortem, non ad proelium uenissent, sic eos deus summus iugulandos subiecit inimicis*, and *h.e.* IX,10,3 και δὴ συμβαλὼν εἰς χεῖρας, ἔρημος τῆς ἐκ θεοῦ καθίσταται ἐπισκοπῆς, τῆς νίκης ἐξ αὐτοῦ τοῦ πάντων ἐνός και μόνου θεοῦ τῷ τότε κρατοῦντι πρυτανευθείσης. It must be Lactantius' wish to show more precisely how the Christian god granted Licinius his victory over Maximinus that he or the model he used added to the report on the development of the battle the account of the angel from god that had revealed the prayer to *summus deus*. It had the same miraculous effect as the *caeleste signum* which Constantine had been told in a dream to place on his soldiers' shields before the fateful battle against Maxentius, see *De mort.* XLIV,5-6.

²³⁵ Cf. *De mort.* XLVII,4: *Videt Maximinus aliter rem geri quam putabat. Proiecit purpuram et sumpta ueste seruili fugit ac fretum traiecit.* In *h.e.* IX,10,4 Eusebius gives a similar account but in a dramatic style that clearly indicates that he has given his imagination free reins at this point.

²³⁶ See *De mort.* XLVII,5.

²³⁷ Cf. *cap.* XLVII,5: *raptisque filiis et uxore et paucis ex palatio comitibus petiuit Orientem.* According to *cap.* L,7 it must have been his eight-year-old son and his seven-year-old daughter.

²³⁸ Cf. *cap.* XLVII,6: *Sed in Cappadocia collectis ex fuga et ab Oriente militibus substitit.*

²³⁹ Cf. *ibid.*: *Ita uestem resumpsit.*

²⁴⁰ *Zos.* II,17,3: ... τὸν Μαξιμίνον, ὃς διὰ τῆς ἐφάσας ἐπὶ τὴν Αἴγυπτον ἀπιὼν ἐλπίδι τοῦ συναγαγεῖν εἰς τὸν πόλεμον δυνάμεις ἀρκοῦσας ...

Maximinus' Balkan campaign had failed completely and he had lost significant sections of his *comitus*, but he was in no way a defeated man. He could still count on a staff of loyal officials and on the support of the heathen population. Moreover, he might be able to reach an understanding with Constantine. He had not broken off diplomatic relations with Maximinus when he attacked Licinius and had sent no troops to support him, so it seemed that Constantine was not interested in seeing Maximinus fall. Constantine apparently felt that his interests would be best served if Maximinus remained an emperor. That way, he could counterbalance Licinius and make it even easier for Constantine to maintain his position as *maximus augustus*. If Licinius became sole emperor in the Balkans and in the East, Constantine would have to see him as a very dangerous rival for the superior position in the Roman Empire – Licinius could not be expected to have forgotten how Constantine had stolen his rightful possessions and even forced him in Milan to accept his conditions for a political alliance! In that context, Maximinus was justified in hoping that Constantine would respond positively to an approach.

Maximinus must have known very well, though, what the conditions would be for a resumption of friendly relations with Constantine – the decisions of the Milan Conference sent to him had taught him all about that! Maximinus would have to acknowledge Constantine as *maximus augustus*, and he would also be obliged to publish the contents of the Milan Edict.

Eusebius says that after his military defeat to Licinius, Maximinus returned to his own territories.²⁴¹ In a rage he is said to have killed many of the priests and oracles whose prophecies had inspired him to start the war against Licinius.²⁴² Instead, he had praised the god of the Christians and issued a perfect law in their favour.²⁴³

In this edict, which Eusebius quoted in Greek translation,²⁴⁴ Maximinus started by noting that his rule had always cared about the wellbeing of the provincial population – he had always wished to grant whatever was beneficial and joyful both for the community and for the individual. But

²⁴¹ Cf. *h.e.* IX,10,6: οὕτω δῆτα αἰσχύνῃς ἔμπλεως ὁ τύραννος ἐπὶ τὰ καθ' ἑαυτὸν ἐλθῶν μέρη The identification of the location is so imprecise that we do not know if Asia Minor was intended or maybe Maximinus' original territories: Syria, Palestine and Egypt.

²⁴² *Ses ibid.*

²⁴³ Cf. *ibid.*: εἶτα δὲ δοῦς δόξαν τῷ Χριστιανῶν θεῷ νόμον τε τὸν ὑπὲρ ἐλευθερίας αὐτῶν τελεώτατα καὶ πληρέστατα διαταξάμενος ... We cannot say where this law was issued and we can give no precise date for it – Eusebius just says that it happened immediately before Maximinus' death, see *ibid.*

²⁴⁴ *h.e.* IX,10,7-11.

because Diocletian and Galerius²⁴⁵ had banned the Christian congregations, officials had often engaged in coercion and robberies of the Christians. This had only become more intense over time – the Christians’ personal possessions had also been stolen from them. When Maximinus realized this, he had written to the provincial governors the year before – 312 – and decreed that the Christians had the right to worship their god according to their tradition without hindrance or fear. Some provincial governors had ignored this Imperial order, however, and as a result the Christians had not dared to conduct their own worship.²⁴⁶ In order to remove every fear and uncertainty, Maximinus wanted in a law to reinforce the Christians’ right to engage in worship precisely as they saw fit. Moreover, he decided that the houses and land that had been confiscated by the state or the cities by order of Diocletian and Galerius and that had been sold or given away as gifts, must be returned to the Christians as their rightful property.²⁴⁷

Closer analysis of the edict shows that its decrees on unrestricted religious freedom for the Christians and on the restitution of confiscated church property are almost completely identical to the parallel passages in the Milan Edict as we have reconstructed it on the basis of *Nik.* and *Caes.*²⁴⁸ The similarities in relation to both content and terminology are so considerable that the only explanation is that when Maximinus wrote his edict, he

²⁴⁵ Eusebius writes κεκελευσμένον ἦν ὑπὸ τῶν θειοτάτων Διοκλητιανοῦ καὶ Μαξιμιανοῦ, τῶν γονέων τῶν ἡμετέρων (*h.e.* IX,10,8) but it is not quite clear if he refers to Emperor Maximianus, Diocletian’s *co-augustus* in the West or to Galerius, his *caesar* and later successor as *augustus* of the East. The latter reading is preferable because Galerius appeared officially under the name of Maximianus.

²⁴⁶ In his letter to Sabinus, Maximinus ordered that the Christians must not be molested in their worship, but many officials probably refrained from obeying him because they were convinced the order was not to be taken seriously. They knew the emperor’s anti-Christian disposition and probably believed they acted in accordance with his real convictions by continuing the persecutions of the Christians that he had started.

²⁴⁷ According to all manuscripts, the edict also contained a passage saying that the Christians had been given permission to build churches: καὶ τὰ κυριακὰ δὲ τὰ οἰκεῖα ὅπως κατασκευάζοιεν, συγκεχώρηται (*cap.* 10,10). This cannot have been included in the edict, though. It is difficult to imagine a heathen emperor using the Christian expression τὰ κυριακὰ οἰκεῖα – the very next passage even speaks of only οἰκεῖα. Moreover, the entire passage interrupts the context. In other words, this is a gloss added early on by a scribe which has then subsequently been seen as part of the edict itself. The reason is that it has been believed that the edict must have contained a permission to build churches because Eusebius says specifically in *cap.* 10,12 that Maximinus gave concrete legal permission of that kind to the Christians.

²⁴⁸ For a detailed argument, see below *Appendix V*.

incorporated the essential passages from the Milan edict. They were placed, though, in a context that can only be ascribed to Maximinus.

Formally speaking, Maximinus did not condemn Diocletian and Galerius in his edict because they had forbidden the Christians to exist. He just rejects their ban on Christianity because it has been used by officials as a pretext for looting and robbing the Christians.²⁴⁹ When these activities escalated, however, Maximinus had to intervene with a decree that Christians could follow their cult without hindrance and without fear of reprisals. As not all provincial governors obeyed the Imperial order, Maximinus considered it necessary to reinforce it in a new law. Maximinus obviously wanted to make it seem as if no change had occurred in his position on the Christian issue.²⁵⁰

But just as Maximinus in reality had distanced himself from Diocletian's and Galerius' ban on Christianity, so he had also clearly abandoned his former religious policy. There is no longer talk of the need to unite the population of the Roman Empire in worship of the immortal gods. There are no attempts to argue that the Christians can more easily be won for the gods by persuasion than by force and violence. It merely says that Christians must be allowed to worship their god without any hindrances whatsoever. The reason is the guiding principle of Maximinus' policy: attention to what will benefit and delight the provincial populations. This is also the reason why confiscated church property must be returned to the Christians.²⁵¹ In

²⁴⁹ Maximinus' attempts to distance himself from Diocletian's and Galerius' ban on Christianity without condemning them can be seen in his language: ὁπότε τοίνυν πρὸ τούτου δῆλον γέγονεν τῇ γνώσει τῇ ἡμετέρα ἐκ ταύτης τῆς προφάσεως ἐξ ἧς κεκελευσμένον ἦν ὑπὸ τῶν θειοτάτων Διοκλητιανοῦ καὶ Μαξιμιανοῦ, τῶν γονέων τῶν ἡμετέρων, τὰς συνόδους τῶν Χριστιανῶν ἐξηρῆσθαι, πολλοὺς σεισμοὺς καὶ ἀποστερήσεις ὑπὸ τῶν ὀφικιαλίων γεγενῆσθαι -- (*h.e.* IX,10,8). Maximinus places the responsibility for the maltreatment of the Christians on the officials, not on Diocletian and Galerius.

²⁵⁰ In his edict, Maximinus described the contents of his decree to the provincial governors in 312 thus: ἴν' εἴ τις βούλοιο τῷ τοιούτῳ ἔθει ἢ τῇ αὐτῇ φυλακῇ τῆς θρησκείας ἔπεσθαι, τοῦτον ἀνεμποδίστως ἔχεσθαι τῆς προθέσεως τῆς ἑαυτοῦ καὶ ὑπὸ μηδενὸς ἐμποδίζεσθαι μηδὲ κωλύεσθαι καὶ εἶναι αὐτοῖς εὐχέρειαν δίχα τινὸς φόβου καὶ ὑποψίας τοῦθ' ὅπερ ἐκάστῳ ἀρέσκει, ποῖειν (*h.e.* IX,10,8). This description is not, however, entirely correct. It is true that in 312 Maximinus gave the Christians freedom of cult, but it was just combined with a request to the officials that the Christians would not be subjected to ὕβρεις μήτε σεισμοὺς (*lib.* IX,9a,7). In other words: in 313 Maximinus described the contents of the decree from 312 in words and phrases that copy *litterae Constantini* contained in the Milan Edict, much more carefully than in 312.

²⁵¹ Cf. *h.e.* IX,10,11: ταῦτα πάντα εἰς τὸ ἀρχαῖον δίκαιον τῶν Χριστιανῶν ἀνακληθῆναι ἐκελεύσαμεν, ἵνα καὶ ἐν τοῦτῳ τῆς ἡμετέρας εὐσεβείας καὶ τῆς προνοίας

other words, Maximinus carefully avoided using the Christian argument of the Milan Edict why Christians should be given complete religious freedom and have church property returned to them. He reproduced its decrees very carefully, but in reality he gave a secular argument to justify them.

In his edict Maximinus had incorporated the decisions of the Milan Edict and insisted that they be followed to the letter and that suggests that it was designed as a complete endorsement of Constantine's religious policy. Thus Maximinus had managed to remove the conflict of religious policy that had existed between them since Constantine's victory over Maxentius at the Milvian Bridge – the way was cleared for a rapprochement. But the edict had other political purposes.

Maximinus had completely called off the war on the Christians, but he had also quite obviously abandoned his original religious policy. Not a single critical word was heard directed at the Christians, but Maximinus himself had not become a Christian – this is clear from the fact that he excluded that passages in the Milan Edict in which the emperors express their faith in the Christian god. If we compare this edict to Maximinus' earlier laws, however, we notice a marked shift in tone. It is surely no coincidence that the immortal gods are not mentioned at all. It is as if Maximinus had lost all faith in the cause that he had previously fought for so zealously.

Such a change would certainly not be surprising. We would expect a strong reaction from Maximinus after his defeat to Licinius. He had worked so zealously and determinedly for the resurrection of paganism, but at the decisive moment he was abandoned by its gods. Just as he seemed certain of victory, it was ripped from him – and even given to the one that had proclaimed publicly his faith in the Christian god. For a devotee pagan like Maximinus who saw a direct connection between worship of the gods and their care for and protection of people, the defeat to Licinius could only shake his belief in its power. Against that background, it is quite possible that in his disappointment and bitterness Maximinus turned against the heathen priests and prophets that had promised him victory.²⁵² Eusebius may be wrong to regard Maximinus' edict as a declaration of faith in the Christian god,²⁵³ but it is easy to understand the triumphant tone he uses to cha-

αἴσθησιν πάντες λάβωσιν. In relation to the restitution of confiscated church property, Maximinus refrains from repeating the words of the Milan Edict that it must happen as quickly as possible *postposita omni frustratione atque ambiguitate*.

²⁵² This may be the truth in Eusebius' account of Maximinus' behaviour towards the heathen priests and prophets in *h.e.* IX,10,6. From what we know of Maximinus' regime, however, we must doubt Eusebius' claim that he killed many of them.

²⁵³ We find this understanding in *h.e.* IX,10,6.

racterize its contents. Maximinus’ grand scheme for the resurrection of paganism and the annihilation of Christianity had been completely abandoned. Instead he had given the Christians, whom he had regarded as impious, godless and subversive, the unrestricted right to exist in the Roman Empire!²⁵⁴

8. Maximinus’ Death

When Licinius had distributed the groups from Maximinus’ army that had surrendered among his own troops, he took them across the Strait of Hellespont and entered Nicomedia – according to Lactantius that happened at the beginning of May.²⁵⁵ Here, on 13 June, he issued *litterae Licinii*, as already mentioned, in Constantine’s and his own name – Lactantius regarded its publication as the definitive end to “the great persecution”.²⁵⁶

²⁵⁴ Cf. *h.e.* IX,10,12: καὶ παρ’ ᾧ γε μικρῶ πρόσθεν δυσσεβεῖς ἐδοκοῦμεν καὶ ἄθεοι καὶ παντὸς ὄλεθροὶ τοῦ βίου, ὡς μὴ ὅτι γε πόλιν, ἀλλ’ οὐδὲ χώραν οὐδ’ ἐρημίαν οἰκεῖν ἐπιτρέπεσθαι, παρὰ τούτῳ διατάξεις ὑπὲρ Χριστιανῶν καὶ νομοθεσίαι συνετάττοντο.

²⁵⁵ Cf. *De mort.* XLVIII,1: *Licinius uero accepta exercitus parte ac distributa traiecit exercitum in Bithyniam paucis post pugnam diebus et Nicomediam ingressus*

²⁵⁶ Cf. *cap.* XLVIII,13: *Hic litteris propositis Sic ab euersa ecclesia usque ad restitutam fuerunt anni decem, menses plus minor quattuor.* As soon as Licinius had entered Nicomedia, according to Lactantius, he thanked the Christian god for his victory over Maximinus, cf. *cap.* XLVIII,1, so it is odd that more than a month passed before he published *litterae Licinii*. We can give no satisfactory explanation for this. We must point out, though, that Licinius’ rescript to the governor of Bithynia was produced with the Milan Edict as a model, and from this Licinius incorporated significant sections in his own rescript while leaving out specific passages and adding his own, for a detailed argument, see my “The So-Called Edict of Milan,” *Classica et Mediaevalia*, 35 (1984), 129-175. Though *litterae Licinii* formally speaking reproduces the decisions from the Milan Edict, it was a new and independent letter. The changes all reflect Licinius’ wish to demonstrate greater independence towards Constantine. By cancelling the original introduction to the Milan Edict, which has been preserved in *Caes.* (*h.e.* X,5,2-3), and replacing it with a new and independent passage (*De mort.* XLVIII,2 = *h.e.* X,5,4) mentioning the Milan Conference and its decision to grant everybody – both Christians and heathens – unrestricted religious freedom, he shifted the emphasis of the Milan Edict in a marked fashion. Licinius’ significance to the decision made thus becomes clear especially in it’s considering now also the supporters of paganism which was not at all the case in the original Milan Edict. We see the same tendency in Licinius’ profession of heathen henotheism comprising both the Christian god and the pagan gods. In all respects, Licinius clearly wished to avoid a conflict between himself and the champions of paganism. For that reason, he promised compensation for the losses which they would suffer when returning confiscated property to the Christians, see *De mort.* XLVIII, 8 = *h.e.* X,5,10. In that way Licinius blurred the unequivocally Christian nature

Lactantius reports on subsequent events that Licinius and his army chased Maximinus – he had to retreat to the “Gates of Cilicia” in the Taurus Mountains.²⁵⁷ Here, Maximinus tried to establish a new line of defence but it was seized by Licinius’ victorious troops – he then fled to Tarsus.²⁵⁸ He had no further escape routes because Licinius’ ships lay off Tarsus and blocked the sea route, so he chose to commit suicide by poison.²⁵⁹

If we follow Lactantius, Licinius did not begin chasing Maximinus till after the publication of *litterae Licinii* in Nicomedia on 13 June. It is odd that Licinius did not pursue Maximinus immediately before he could establish a new army. No satisfactory explanation has really ever been given.²⁶⁰ We can find it, though, if we assume that Maximinus was to hand over Asia Minor to Licinius according to the decisions of the Milan Conference. It would have been natural, then, for Licinius to stay in Nicomedia waiting for Maximinus to evacuate Asia Minor and surrender it to him. When that did not happen, and Maximinus began to gather a new army instead, Licinius was forced to continue his fight against him. If Lactantius is right that Licinius and his troops had seized the “Gates of Cilicia”, it is strange that he did not rush down to conquer Tarsus and capture Maximinus.²⁶¹ But

of the Milan Edict. The reason for this change in attitude can be found in the political freedom of manoeuvre that Licinius regained after the victory over Maximinus at Adrianople. He was no longer forced to follow Constantine unconditionally; he could permit himself to express his own heathen thinking. However, Maximinus was still a legitimate emperor and had in no way been put out of action. Therefore, Licinius still needed an alliance with Constantine and had to publish the Milan Edict. For a detailed analysis of the relationship between *Nik.* and *Caes.*, see my “The So-Called Edict of Milan”.

²⁵⁷ Cf. *De mort.* XLIX,1: *Sequenti autem Licinio cum exercitu tyrannum profugus concessit et rursus Tauri montis angustias petiit.*

²⁵⁸ Cf. *ibid.*: *Munimentis ibidem ac turribus fabricatis iter obstruere conatus est et inde detrusus perrumpentibus omnia uictoribus Tarsum postremo confugit.*

²⁵⁹ Cf. *cap.* XLIX,2: *Ibi cum iam terra marique premeretur nec ullum speraret refugium angore animi ac metu confugit ad mortem quasi ad remedium malorum, quae deus in caput eius ingessit.*

²⁶⁰ H.J. Lawlor was the first to call attention to the problem. He writes, “The dilatory tactics of Licinius are indeed puzzling. But we may account for the fact that he was still in Bithynia, allowing the enemy to gather a fresh army, in June. He had a small army when he reached Campus Serenus in April, and he was probably obliged to wait for reinforcements before undertaking a further expedition” (*Eusebiana*, 226). This is not convincing. In view of the fact that Licinius had already added sections of Maximinus’ army to his won troops, the only sensible tactic would have been to pursue Maximinus immediately and leave him no time or peace to gather new forces fit for fight.

²⁶¹ H.J. Lawlor has also drawn attention to “the fact that when he [Licinius] had advanced to the Gates of Cilicia he did not descend to Tarsus and try conclusions with a demoralized foe” (*Eusebiana*, 226).

Lactantius' account also seems mysterious from another angle. Licinius can have started his pursuit of Maximinus' troops no earlier than mid-June, and given that his progress across the Anatolian Plains must have happened in continuous battle with Maximinus' receding troops, he can hardly have reached the Taurus Mountains before the beginning of August.²⁶² Now Maximinus had fortified the mountain passes with forts and turrets which meant that they could be effectively defended against any enemy attack with few troops. Similarly, seizing the mountain passes was a demanding undertaking that would cost dearly in both men and time. We know that Maximinus must have died around the middle of August at the latest.²⁶³ It means that there was hardly time for Licinius and his army to seize the mountain passes before Maximinus died.

Eusebius states that Maximinus died during the second battle in the war with Licinius.²⁶⁴ He points out that God punished Maximinus by letting him die, unlike other army generals, away from the battle field where his army was deployed for battle.²⁶⁵ In other words, Maximinus died before the second great battle between him and Licinius had been concluded.

Accounts of details of Maximinus' death also present us with discrepancies. The heathen chroniclers just say that he died a natural death.²⁶⁶ Eusebius seems to be of the same opinion – his detailed account of Maximinus' painful death throes suggests that he died of some type of plague.²⁶⁷ Lactantius, however, has Maximinus commit suicide by poison. It took four days for the poison to work, though, because Maximinus, like all suicides,

²⁶² Cf. H.J. Lawlor, *Eusebiana*, 226 who estimates at least “six weeks for Licinius' advance from Nicomedia and the capture of the Taurus passes”.

²⁶³ An Egyptian papyrus, *P. Boak No. 14*, dated 13 September 313, states that it was issued during Licinius' and Constantine's third consulate, see *Etudes de Papyrologie III* (1936), 31. When this official dating had already been established in Egypt by the beginning of September, Maximinus' death can hardly have occurred much later than mid-August.

²⁶⁴ Cf. *h.e.* IX,10,13: .. ἀθρόα θεοῦ πληγεῖς μάστιγι ἐν δευτέρᾳ τοῦ πολέμου συμβολῆ καταστρέφει.

²⁶⁵ Cf. *cap.* 10,14: γίνεται δ' αὐτῷ τὰ τῆς καταστροφῆς οὐχ οἷα στρατηγοῖς πολεμάρχαις ὑπὲρ ἀρετῆς καὶ γνωρίμων πολλάκις ἀνδριζομένοις ἐν πολέμῳ τὴν εὐκλειῆ τελευτὴν εὐθαρσῶς ὑπομεῖναι συνέβη, ἀλλὰ γὰρ ἅτε τις δυσσεβῆς καὶ θεομάχος, τῆς παρατάξεως ἔτ' αὐτῷ πρὸ τοῦ πεδίου συνεστώσης οἴκοι μένων αὐτὸς καὶ κρυπταζόμενος, τὴν προσήκουσαν τιμωρίαν ὑπέχει ...

²⁶⁶ *Aurel. Vict. Lib. de caes.* 41,1 simply says of Maximinus: *fugatusque a Licinio apud Tarsum perit*. While *Eutrop.* X,4,4 states that he died *fortuita morte*, *Epit de caes.* 40, 8 has *Maximinus apud Tarsum morte simplici perit*.

²⁶⁷ See *h.e.* IX,10,14-15.

had had a large meal before taking the poison.²⁶⁸ It seems less than likely that this would have delayed the effect of the poison! In fact, Lactantius' detailed description of Maximinus' protracted and agonizing death throws more likely points to some type of plague as the reason for his death.²⁶⁹

If we compare these pieces of information with the critical comments given above, we must be justified in saying that Licinius had reached the Taurus Mountains in his and his troops' pursuit of Maximinus' newly established army. The passes across the mountains had been fortified by Maximinus and he himself set up temporary quarters in Tarsus. Maximinus had had to give up Asia Minor, but his position was not desperate, in neither military nor political terms. He should be able to stop Licinius' further advances by fortifying the Gates of Cilicia and he had no reason not to expect that Constantine would help him to preserve his control as legitimate emperor of his old territories: Syria, Palestine and Egypt. But even before Licinius' troops had opened their attack to capture the Gates of Cilicia, the plague had taken hold of Maximinus and had caused his excruciatingly painful death.²⁷⁰ As a result all resistance seemed to evaporate and Licinius could conquer Maximinus' other provinces very quickly.

Because of Maximinus' unexpected death, Licinius had thus become ruler of all of the East. His first task was to consolidate his rule. In fact, this was unavoidably connected to a continued war on Maximinus. It had to be!

²⁶⁸ Cf. *De mort.* XLIX,3: *Sed prius cibo se infersit ac uino ingurgitauit, ut solent ii qui hoc ultimo se facere arbitrantur, et sic hausit uenenum. Cuius uis referto stomacho repercussa ualere non potuit in praesens, sed in languorem malum uersum est pestilentiae similem, ut diutius protracto spiritu cruciamenta sentiret.*

²⁶⁹ See *cap.* XLIX,4-5.

²⁷⁰ In his account of Maximinus' death struggle, Lactantius reports that when he had become blind, he saw God passing judgement on him. Initially, Maximinus pleaded innocence, but eventually he confessed his sins to Christ and begged for his mercy, see *cap.* XLIX,5 *fin.*-6. The sequel: *Sic inter gemitus quos tamquam cremaretur edebat, nocentem spiritum detestabile genere mortis efflauit* (section 7) seems like an anti-climax, not to say a contradiction. There is a natural explanation for this, though, because in terms of substance this passage continues section 5 *init.* given that *Tunc denum etc* (section 5 *fin.*-6) constitutes an obvious later insertion designed to report that Maximinus converted on his death bed. Eusebius also has his account of Maximinus' terrible death struggle end in his confession of his sins to Christ, see *h.e.* IX,10,15. But Maximinus' conversion to Christianity is contradicted by the edict that he issued shortly before his death – it shows, as we have demonstrated, that he was not Christian. Christians were keen, nevertheless, to emphasize that at last Maximinus' terrible sufferings made him confess his sins to the Christian god, because that way they could show that the Christian god was the strongest; you could not oppose him without punishment, and in the end everybody must bow to him.

In the Eastern provinces, Licinius must seem a usurper and a destroyer of the Diocletian form of government, whereas everybody saw Maximinus as the rightful *maximus augustus*. Moreover, Maximinus had proved to be a competent ruler who had established a government that had ensured peace and order in the eastern provinces, and finally he had shown himself in his zealous work to unite the Roman Empire in the worship of the immortal gods to be an emperor who single-handedly knew how to continue the policy of Diocletian and Galerius.

As part of the continued war, Licinius had Maximinus declared *hostis rei publicae*.²⁷¹ That implied *damnatio memoriae*. His entire legislation was annulled. All pictures and statues of him were destroyed²⁷² and his name was removed from all inscriptions. At the same time a propaganda offensive was launched to show Maximinus as a tyrant who corrupted the Roman Empire through his depraved life and tyrannical rule. In order to prevent all conspiracies and every attempt to rebel, Licinius also found it necessary to eliminate all members of the Diocletian-Galerian imperial family²⁷³ and liquidate all Maximinus' senior officials.²⁷⁴ The consistency and cruelty which Licinius displayed in this provide clear evidence that Maximinus was a great emperor who had established an efficient regime. Everything therefore had to be done to prevent his name and all it represented from becoming the banner of a political uprising!

The Christians exulted with Lactantius over the fate that Maximinus and his followers suffered: *Ubi sunt modo magnifica illa et clara per gentes Iouiorum et Herculiorum cognomina, quae primum a Dioclete et Maximiano insolenter adsumpta ac postmodum ad successors eorum translata uiguerunt? Nempe deleuit ea dominus et erasit de terra.*²⁷⁵ Given their Christian angle, their exultation was understandable. Maximinus' fall and destruction had weakened paganism politically, but they had also lost one of its most zealous and constructive champions on the Imperial throne. Maximinus' death together with the extermination of the Diocletian-Galerian imperial family and all his leading supporters represented a serious set-back for paganism in its war against Christianity. It could not afford to lose Maximinus at a point when its position in the Roman Empire had become criti-

²⁷¹ Cf. *h.e.* IX,11,2: πρῶτός τε γὰρ Μαξιμίνος αὐτὸς κοινὸς ἀπάντων πολέμιος ὑπὸ τῶν κρατοῦντων ἀναγορευθεὶς, δυσσεβέστατος καὶ δυσωνυμώτατος καὶ θεομισέστατος τύραννος διὰ προγραμμάτων δημοσίων ἀνεστηλίτευτο.

²⁷² See *ibid.*

²⁷³ See *De mort.* L-LI and *h.e.* IX,11,7.

²⁷⁴ See *h.e.* IX, 11,1-8.

²⁷⁵ *De mort.* LII,3.

cal. In fact, paganism never recovered from the consequences of Maximinus' tragic defeat and destruction.

Appendix I

De mortibus persecutorum, cap. XVIII – a fragment of a political pamphlet from 307

Lactantius' account of Diocletian's and Maximianus' abdication and of the appointment of Severus and Maximinus as *caesares* clearly purports to compromise Galerius and his regime. He had been ruthless in his disregard of the Roman Empire and its prosperity in his bid for absolute rule. If he could not satisfy his lust for power by peaceful means, he was not afraid to use intrigue and force – thus he had no scruples about plunging the empire into a bloody civil war. In choosing fellow rulers, he completely ignored military and political skills as long as he could ensure the election of people that feared and obeyed him unconditionally.

Apparently, Galerius wanted to preserve *dispositio Diocletiani*,¹ but in reality he was a rebel that had imposed his own will in patent rejection of Diocletian and his wishes. Even before his abdication, Diocletian had disclaimed all responsibility for the consequences to the Roman Empire if Galerius had his way, and in reality that was a direct rejection of him and his *regimen imperii*.² So Diocletian could in no way be seen to support Galerius' policy. Galerius had also defied Diocletian in his choice of new *caesares*. Diocletian had seen it as a matter of course that Maxentius and Constantine, sons of Maximianus and Constantius, would become the new *caesares*,³ and he had even dismissed Severus and Maximinus as unfit for imperial rule. The account of Galerius' rebellion against Diocletian in the matter of both abdication and choice of *caesares* also justifies Galerius' loss of the right to be seen as Diocletian's legitimate successor.

We showed above that Lactantius' account cannot be regarded as historically correct.⁴ He was wrong to say that Galerius rearmed and threatened Maximianus with war if he did not abdicate. Maximianus abdicated because Diocletian forced him, and the overall balance of political power was such that Galerius had no possibility of imposing his will in the face of resistance from the other emperors, least of all by military means. All the same, Lactantius' information cannot be pure fantasy because Maximianus is not at the centre of the account, and the reference to a conflict between him and Galerius is given as it were in passing and has no clear connection to the central concern of the text.

¹ Cf. *De mort.* XVIII, 5.

² Cf. *cap.* XVIII, 14-15.

³ This is clear when one realizes that sections 9-10 have been inserted later, cf. above chapter I note 98.

⁴ See above chapter I at note 84 and ff.

Now we have evidence, though, of a tense relationship between Galerius and Maximianus which arose when the latter resumed imperial purple, probably late in the year 306.⁵ From that point on he laid claim to *principatus* which must have meant a clear rejection of Galerius and his regime – he had been *maximus augustus* of the Empire ever since Constantius' death in July 306. Elements in Lactantius' account which appeared surprising and inexplicable based on the political situation in 305, become perfectly meaningful if seen in the context of the events of 307. When Maximianus set himself up as the supreme emperor of the state, Galerius could only threaten him with war if he did not abdicate. Maximianus' response was a fulminating attack on Galerius. He accused him of risking the health and prosperity of the Empire in his lust for absolute power, and that was only emphasized by the fact that he had corrupt and incompetent *caesares* as his obedient cattle! Moreover, Galerius could in no way lay claim to authority from Diocletian as he had opposed him and his wishes in every possible way. This could only imply that Galerius and his fellow rulers must be removed and that Maximianus would resume government together with Diocletian and with Maxentius and Constantine as the new *caesares*, just as Diocletian had proposed originally.

Lactantius' account in *De mort.* XVIII, then, serves to justify Maximianus' claim to be *summus imperator* as legitimate, while Galerius defied Diocletian in his ruthless lust for power and lost all right to be the supreme emperor of the state – for that reason the conflicts between Galerius and Maximianus were antedated to about the time of Diocletian's abdication. We should also be justified in saying that this *plaidoyer* for Maximianus and the policy he had decided to pursue existed originally as an independent pamphlet of political battle.⁶ Lactantius has used it to discriminate also in political terms Galerius and Maximianus, the great persecutors of the

⁵ See above chapter III at note 77 and ff.

⁶ The pamphlet must have been produced in the spring of 307 before Galerius' invasion of Italy had developed into a fiasco – After that Galerius was a man without influence in the West, and the question of Diocletian's genuine political testament was without interest. The pamphlet was also produced at a time when great political agreement existed in the West between Maximianus, Maxentius and Constantine – the two of them as imperial sons were considered rightful *caesares* according to Diocletian's wishes. Sections 9-10 must then date from a time no earlier than the breach between Maximianus and his son Maxentius who refused to recognize his father as *summus imperator* just as he had previously done to Galerius. That is the meaning of section 9: *adeo superbus et contumax, ut neque patrem neque socerum solitus sit adorare, et idcirco utriusque inuisus fuit.* That takes us to the spring of 308 as the earliest date for the production of this pamphlet.

Christians.⁷ Only thus can we explain the sharp contrast in Lactantius' text between *cap.* XVIII with its praise of Diocletian and his unselfish work for the Empire and the previous account which tries constantly to show Diocletian as *scelerum inuentor et malorum machinator*,⁸ who propelled the Roman Empire towards its ruin. *Auaritia* and *timiditas* were the guiding principles of his policy,⁹ and when the tetrarchy was established he had succeeded in reaching his goals.¹⁰ The rule of Diocletian and his fellow rulers were all – except Constantius – *tyranny*.¹¹ Therefore, Diocletian was most certainly a ruler to be rejected. In *cap.* XVIII, however, he appears as an emperor who had only worked for the *incolumitas* of the Roman Empire so his wishes should be respected and followed.¹²

⁷ Lactantius has probably only used sections of the pamphlet. *Cap.* XVIII is clearly a fragment as shown by the expression *illorum filii* in section 8. Lactantius does not supply any reference to this person's identity. The information is essential to the entire argument so the only explanation is that the passage must have been lifted from a longer text which had already provided the information necessary for clear understanding. Lactantius – or maybe even the version he used – then gave the information in the rather awkwardly placed gloss in sections 9-10.

⁸ *cap.* VII,1.

⁹ See *cap.* VII,2.

¹⁰ See *cap.* VII,2-12 and IX,11.

¹¹ *cap.* VI,3.

¹² Cf. *cap.* XVIII,15.

Appendix II

An Analysis of *h.e.* IX,1,1-11

According to *cap.* 1, 1 the contents of the imperial retraction were published everywhere in Asia and surrounding provinces. Maximinus, the tyrant of the East and the most ungodly of all and the greatest enemy of the god of the universe, disliked the text and instead of posting it in writing he told the rulers under him by word of mouth that they must soften the persecution of the Christians. He could not oppose the decision of his superior emperors, so he concealed the order, and in order to ensure that it was not published in his territories, he gives orders to the rulers under him by word of mouth to soften the persecution of the Christians. They then announced the contents of the order in writing to each other.

The paraphrase above should make it clear that this passage contains difficulties – in terms of both language and content. The words that open the passage: Τὰ μὲν δὴ τῆς παλινφθίας τοῦ [προτεθέντος]¹ βασιλικοῦ νεύματος strictly speaking only mean the contents of the retraction that the emperors had ordered. The word προτεθέντος is in reality repeated in ἤπλωτο, and as it even disrupts the context, it must be seen as a later insertion. Originally, the text referred only to a retraction with no reference to it being included in a specific law.

We see the same use of the word παλινφθία in *lib.* VIII,16,1 *fin.*, which states that the retraction halting the persecution of the Christians, was given in laws and decrees. But the rest of *lib.* VIII only talks of the Galerius edict as a νόμος καὶ δόγμα βασιλικός. These observations justify the conclusion that in relation to topic *lib.* IX,1,1 *init.* connects with and continues *lib.* VIII,16,1, so *lib.* VIII,16,2-17, 11 must be seen as a later insertion.

In the rest of *cap.* 1,1 the mention of a law published in writing (τὸ προτεθεῖς γράμμα, ὁ προέκθεις νόμος) can only refer to the Galerius edict which Eusebius had reprinted in Greek translation in *lib.* VIII,17,2-10. That means that the line of thought in *cap.* 1,1 *init.* does not continue in the next passage. It presupposes and refers to *lib.* VIII,16,2-17, 11, so it must have been added to the church history together with the other insertion. In order to establish a connection with *cap.* 1,1 *init.*, which belongs to an older account, and the new insertion, Eusebius has added a προτεθέντος to βασιλικοῦ νεύματος to show that the palinode simply means the Galerius edict.

The sentence ἤπλωτο [τῆς Ἀσίας] πάντα καὶ πανταχοῦ κατὰ [τε] τὰς [ἀμφὶ ταύτην] ἐπαρχίας is linguistically very awkward as is clearly shown by various translations. Πάντα καὶ πανταχοῦ is a set phrase, so a clear and linguistically acceptable sentence can only come about if we see the words

¹ Words in brackets constitute later insertions.

in brackets as later insertions. Moreover, the sentence does not make good sense as it stands. If *Asia* means the dioicese Asia, as H.J. Lawlor understands the word,² one would have expected Eusebius to have mentioned the dioicese Pontos rather than the surrounding provinces, an identification that cannot be said to be particularly correct, not even in geographical terms. These difficulties are not impossible to explain as they occurred when Eusebius made changes to an existing text which was coherent and clear. The first account merely said that the imperial palinode was published everywhere in the provinces. Eusebius's insertions changed the original meaning to say that the Galerius edict was posted only in Asia Minor.

It is noticeable that the account of Maximinus' reaction to the Galerius edict contains two virtually identical passages: ἀντὶ τοῦ προτεθέντος γράμματος λόγῳ προστάττει τοῖς ὑπ' αὐτὸν ἄρχουσιν τὸν καθ' ἡμῶν ἀνεῖναι πόλεμον ≠ ἀγράφῳ προστάγματι τοῖς ὑπ' αὐτὸν ἄρχουσιν τὸν καθ' ἡμῶν διωγμὸν ἀνεῖναι προστάττει. That must indicate that the original text has been revised.

The first of the doublets clearly belongs in a context which reports how Maximinus shelves the Galerius edict and instead orders his officials by word of mouth to soften the war on the Christians (ἀνεῖναι πόλεμον).³ The point then is that Maximinus hides the Galerius edict with its clear promise of freedom of cult and assembly to the Christians and instead just vaguely orders his subordinates to go a little easy in the war on the Christians. Maximinus used this procedure because he wanted to introduce his own policy without making it seem that he deified his superiors (κρείττονες).

It is evident that the entire passage beginning Μαξιμῖνος, ὁ ἐπ' ἀνατολῆς and extending all the way to ὅπως ἐν τοῖς ὑπ' αὐτὸν μέρεσιν μὴ εἰς προὔπτου ἀχθείη, constitutes a coherent and clearly organized unit. The word κρείττονος, however, gives the passage away as an insertion. In *lib.* VIII,16,1, which continues directly in *lib.* IX,1,1, says that all emperors backed the palinode, but this passage distinguishes between the superior emperors who issued the Galerius edict and Maximinus who did not want it. But the word κρείττονες together with the description of Maximinus as the godless tyrant of the East also makes it possible for us to say quite definitely that the insertion was added after his death in 313⁴ into an

² See *Eusebius* II, 290.

³ The word ἀνεῖναι is ambiguous. It can mean "abandon", "give up" and "remove" as well as "soften" or "reduce". The next passage shows, however, that in this context the word must be taken to mean "soften".

⁴ The use of the word κρείττονος which implies that the superior emperors were superior also in a moral sense, shows that the insertion was added after 313. At that time, Maximinus was not just characterized as a tyrant but also as someone who was inferior to Constantine and Licinius

account which originated from the time between the issue of the Galerius Edict in April 311 and the start of the Maximinian policy of harassment of the Christians in November 311 – in that period there was no differentiation of the emperors who all *in solidum* showed kindness and mercy towards the Church by giving it the right to exist, cf. *lib.* VIII,16,1.

This also proves that the second doublet: ἀγράφῳ προστάγματι κτλ. cannot belong in the coherent context which included the first doublet. If we then ask which passage it connects to, we can really only point to ὦν τοῦτον ἐπιτελεσθέντων τὸν τρόπον in *cap.* 1,1 *init.* The line of thought then says that after the content of the palinode was published everywhere, the officials⁵ were ordered to stop the persecutions⁶ – ὑπ’ αὐτὸν has probably been added to τοῖς ὑπ’ αὐτὸν ἄρχουσιν in order to bring the sentence into line with the passage immediately before it. They inform each other in writing of this order, meaning that the individual units of the imperial administration were notified in personal terms that they must stop the persecutions of the Christians.

According to *cap.* 1,2 *praefectus praetorio* Sabinus announces the emperor’s decision (γνώμη) to the provincial governors in an *epistula* written in Latin. The connecting particle γοῦν shows that the passage must be understood as an example of the way in which officials inform each other in writing of the imperial order. In the phrase ὁ παρ’ αὐτοῖς τῶ τῶν ἐξοχωτάτων (= Latin *eminentissimi*) ἐπάρχων ἀξιώματι τετιμημένος the words παρ’ αὐτοῖς can only refer to the officials (ἄρχοντες) in the preceding passage.

Cap. 1,3-6, which contains Sabinus’ *epistula* to the provincial governors, only exists in A T E R, our oldest manuscripts.

Cap. 1,7 says that the provincial governors believed that the Imperial decision (γνώμη) was meant seriously, announced it in writing (διὰ γραμμάτων) to the *curatores urbium*, *duumviri* and the administrators of the rural areas (οἱ κατ’ ἀγροὺς ἐπιτεταγμένοι).

The words τὴν τῶν γραφέντων αὐτοῖς ἐπαληθεύειν προαίρεσιν νενομικότες represent a later insertion. That is clear from the fact that this line of thought clashes with the very next passage in which Eusebius reports without reservations on the imperial decision. It was added together with

in imperial honour and moral qualities. In truth, however, Maximinus was *maximus augustus* after Galerius’ death and so Constantine’s and Licinius’ superior.

⁵ Cf. H.J. Lawlor, *Eusebius* II, 290: “Evidently the high officials who were in close contact with the emperor – *i.e.* the Prætorian Prefect and probably the Magister Militiæ”.

⁶ As there is no contrast between the palinode and the verbal order, τὸν καθ’ ἡμῶν διωγμὸν ἀνεῖναι must here be used to mean: to stop or end the persecutions of the Christians.

the long insertion in *cap.* 1,1 which explains that Maximinus merely pretended when he gave his officials the verbal order to soften the persecution. The insertion presupposes that understanding and it is also designed to show why the local authorities actually stopped the persecutions as described in the next passage.

The expression τὴν βασιλικὴν ἐμφανῆ καθιστῶσι γνώμην picks up τὴν βασιλέως ἐμφαίνει γνώμην in *cap.* 1,2. Therefore the two passages belong in the same context: *praefectus praetorio* Sabinus notify the provincial governors of the imperial order, and they pass it on to the local authorities in their respective provinces.

The continuation in *cap.* 1,7 shows that the imperial decision merely was to stop the persecution of the Christians. As we found in the earlier analysis, this is precisely the contents of the Sabinus circular, so it would be tempting to regard it as an integral part of an account which must comprise at least *cap.* 1,2-7 *init.* Such an assumption is untenable, though. The words ἐπὶ αὐτοῖς which are meant to link *cap.* 1,7 to the previous passage can hardly refer to the Sabinus circular. Excellent meaning results, however, from linking them to *cap.* 1,2. If originally *cap.* 1,7 followed the circular itself, we have a repetition that is difficult to explain. Towards the end, the circular states that its contents must be sent in writing πρὸς τοὺς λογιστὰς καὶ τοὺς στρατηγούς καὶ τοὺς πραιποσίτους τοῦ πάγου ἐκάστης πόλεως (*cap.* 1, 6) and that is repeated in its entirety at the beginning of *cap.* 1,7 except that Eusebius rephrases the fixed concept: *praepositi pagi* as οἱ κατ' ἀγροὺς ἐπιτεταγμένοι. It becomes understandable, though, as soon as we realize that the Sabinus circular has been inserted into an already existing account which comprises at least *cap.* 1,2 and 1,7. The insertion has created no disruption of the matter discussed, it must have occurred before the added description of Maximinus' wily behaviour found its way into Eusebius' church history.

Eusebius continues his account by reporting this: οὐ μόνον δ' αὐτοῖς διὰ γραφῆς ταῦτα προυχώρει, καὶ ἔργοις δὲ πολὺ πρότερον, ὡς ἂν νεῦμα βασιλικὸν εἰς πέρας ἄγοντες (*cap.* 1,7). This passage also creates difficulties. Apparently, it refers to *curatores*, *duumviri* and *praepositi pagi* but διὰ γράφης indicates that it cannot be the case. If we assume that it refers to the provincial governors, the result is quite contrived. The use of the imprecise word ταῦτα is also strange if it is meant to refer to ἡ βασιλικὴ γνώμη. These awkwardnesses make it difficult to see the passage as a continuation of the immediately previous passage. The difficulties disappear, however, if we regard the passage as a continuation of *cap.* 1,1 *fin.* which mentions the imperial officials who pass on τὰ τῆς παρακελεύσεως in

writing – ταῦτα refers to that. The argument, then, is that the imperial officials executed the order not just in words but also in deeds.

The continuation in *cap.* 1,7: ὡς ἂν νεῦμα κτλ. must be read from the current context as saying that the local authorities believed that they acted on the emperor's will when they released the Christians who were in prison or doing forced labour *in metallis*. It is odd, though, that Eusebius finds it necessary immediately afterwards again to emphasize in a new sentence the point that the authorities erroneously believed that they acted upon the emperor's true intentions when they released all Christians.⁷ It is obvious that this is an insertion that was added at the same time as the comments on Maximinus' behaviour towards the Christians. It is difficult to imagine that Eusebius added a sentence which merely repeats a point already made, and that seems to suggest that ὡς ἂν νεῦμα βασιλικὸν κτλ. must have had a different meaning than the one immediately obvious from the context. Looking at the sentence in isolation, we may indeed understand it merely to say that the imperial order was executed with the release of the Christians.

Cap. 1,8-11 describes the effects of the end of the persecution of the Christians. This section constitutes a clear and coherent unit. It appears to be a natural continuation of *cap.* 1,7 *fin.*, but several details indicate that this cannot be the case. The words ἀθρόως οἷόν τι φῶς ἐκ ζοφερᾶς νυκτὸς ἐκλάμψαν (*cap.* 1, *init*) seem odd given that the previous passage has already explained that the imperial decision to end the persecution of the Christians by releasing them from prisons and mines and quarries. Moreover, *cap.* 1,10 repeats information in its report on the release of people sentenced *ad metalla* and imprisoned. Last, but not least, the essential character of this passage is quite different from that of the previous one. Here the fact that Christians could again come together for services and that those who had suffered and been punished for their faith could return home was seen as a great miracle that only God could have brought about. Therefore, every heathen began to announce the Christian god as the one true god,⁸ and even those who had wanted the Christians killed now rejoiced with them because of what had happened, τὸ θαῦμα παρὰ πᾶσαν ὀρῶντας ἐλπίδα (*cap.* 1, 11).

However, this is precisely the same basic understanding of the end to the persecutions that we meet in *lib.* VIII,16,1. It says that the mercy of God, who watches over the Christians, had made the rulers (οἱ καθ' ἡμᾶς

⁷ Cf. *cap.* 1,7 *fin.*: τοῦτο γὰρ ἐπ' ἀληθείας βασιλεῖ δοκεῖν ὑπειλήφασιν ἠπατημένοι.

⁸ Cf. *cap.* 1,8: καταπέπληκτο δ' οὐ σμικρῶς ἐπὶ τούτοις πᾶς τις τῶν ἀπίστων ἐθνῶν, τῆς τοσαύτης μεταβολῆς τὸ παράδοξον ἀποθαυμάζων μέγαν τε καὶ μόνον ἀληθῆ τὸν Χριστιανῶν θεὸν ἐπιβοώμενος.

ἄρχοντες) change most strangely in mind and intention (παραδοξότατα μεταθέμενοι τὴν γνώμην) and issue a palinode. We do not find this perception in the passages between *lib.* VIII,16,1 and *lib.* IX,1,8-11, so we are justified in thinking that those two passages originally constituted a unit. This is further confirmed by the clear line of thought: *lib.* VIII, 16,1 reports that because of God's intervention the emperors issued a palinode in the form of a series of laws and decrees, and *lib.* IX,1,8-11 continues with an account of the effects of the palinode.⁹

Now *lib.* VIII,16,1 and *lib.* IX,1,8-11 have their place in the account of "the great persecution" originally given by Eusebius in which the martyrs are the centre. It was meant to end the church history that we see in *lib.* I-VII and that had probably already been finished. The basic understanding in the account of the persecution is precisely the same as the one that runs all the way through the previous account of the history of the church. Eusebius clearly wishes to demonstrate, apologetically, that the Christian god is the only true god, that he has chosen his people whom he will save and free of all dangers and enemies if they live in obedience of him. The great persecution in which the martyrs prevail through all pain and suffering and the quite unexpected imperial palinode constitute a powerful demonstration of this truth. Therefore *lib.* VIII,16,1 and *lib.* IX,1,8-11 are perfectly suited for an effective ending to the church history. The development of an end to the persecutions made heathens who did not believe and who even demanded the death of the Christians, recognize and announce their god as the one true God of the universe.

This detailed analysis has uncovered a characteristic feature of Eusebius' working method: he continues to revise and expand his church history. If he discovers new material which he regards as significant, he wishes to work with it and make use of the new insights it affords. He does not do this, however, by writing a new account. Instead, he adds new material to the original text without worrying that its uniformity may suffer. That is particularly noticeable if the new material contains view points that go beyond or even go counter to the ones he expressed in his original account. Therefore, Eusebius' continued work on his church history has often resulted in unfinished trains of thought, inconsistencies and even contradictions in the final version. That can seem unsatisfactory, but it also allows us to reconstruct, in general outline, the individual phases of the revisions that Eusebius undertook before the account reached its final version.

⁹ The words καὶ δὴ τούτων οὕτως ἐπιτελεσθέντων (*lib.* IX,1,8 *init.*) provide an excellent connection between *lib.* VIII,16,1 and *lib.* IX,1,8-11.

Lib. VIII,16,1 states that the emperors who had all persecuted the Christians, also promoted the edicts and decrees that put an end to the persecutions. That also means that Maximinus had issued the palinode just like the other emperors and that the persecutions had been stopped completely in his territories.¹⁰ In other words, Maximinus was a good and mild emperor to the Christians.¹¹

We may deduce from the fact that in *lib.* VIII,16,1 Maximinus is included among the good emperors that Eusebius must have completed the original version of his church history during the period between the issue of the Galerius edict in April 311 and the time in November 311 when according to his account, Maximinus resumed the persecution of the Christians, cf. *lib.* IX,2,1.

However, Eusebius wanted to expand this section of his church history probably because he has found new material which gave him a more detailed and more varied understanding of the causes that brought about the end to the persecutions. He added this to his original account – we find it in *lib.* VIII,16,2-IX,1,7. This insertion, though, has also been subjected to several revisions by Eusebius.

We must assume that only after Galerius' death did Eusebius become aware of the understanding that Galerius had instigated “the great persecution” and that his horrible illness had forced him to issue the palinode. This version was excellent confirmation of Eusebius' own idea that an emperor's happiness and prosperity depended entirely on his relationship with the church, so it was natural for him to make use of this material. We find it as an insertion comprising *lib.* VIII,16,2-3 and 17,1 *init.* up to and including ἀποπαῦσαι διωγμὸν. Here, the persecutions are not stopped by a law that was identical to the Galerius edict. Therefore the insertion only continues in *lib.* IX,1,1 and 7.

The accuracy of this reconstruction is further confirmed by the satisfactory explanation it offers to many of the linguistic and factual problems

¹⁰ *Lib.* VIII,16,1 does say: δεκάτῳ μὲν ἔτει σὺν θεοῦ χάριτι παντελῶς πεπαυμένου, λωφᾶν γε μὴν μετ' ὄγδοον ἔτον ἐναρξασμένου. Originally, the sentence only comprised the first half of the passage, as it said ὀκτῷ rather than δεκάτῳ. The second half: λωφᾶν γε κτλ. was added after “the eighth year” was changed to “the tenth year” in order to indicate that the persecutions had eased as a result of the issue of the Galerius edict. Eusebius' change to the original sentence occurred at the earliest in the summer of 313 when Maximinus issued “the most complete law” for the Christians and thereby in his territories brought a complete stop to the persecutions of the church which he had started in November 311, cf. *lib.* IX,2,1.

¹¹ This is clear from the expression παλινωδίαν ἧδον χρηστοῖς περὶ ἡμῶν προγράμμασιν καὶ διατάγμασιν ἡμερωτάτοις ... (*lib.* VIII,16,1).

contained in *lib.* IX,1,1-6. The preceding sections of the text do not refer to an edict but merely to an imperial decision to stop the persecution, so it is obvious why *cap.* 1,1 simply says: Τὰ μὲν δὴ τῆς παλινοῦδίας τοῦ προτεθέντος βασιλικῶν νεύματος ἤπλωτο. We meet the same phrase in *cap.* 1,7 *fin.* νεῦμα βασιλικὸν which indicates that the passage belongs with *cap.* 1,1 – so the phrase must originally have referred to Galerius, not Maximinus as is the case in the present context.¹² This also explains the presence of the other double in *cap.* 1,1 *fin.* It continues the first sentence of the section, and as the subject of *προσάττει* is Galerius – not Maximinus – the line of thought explains that he told his officials to carry out the imperial order.¹³

Later Eusebius learnt about the Sabinus circular. He was always keen to incorporate documentary material, so he wanted to use it in his church history to show that the Imperial order reached all the way to the local authorities in the provinces. The insertion of the circular, however, necessitated a note that the officials passed on the Imperial order in writing together with an introductory remark about Sabinus. Thus the insertion, which comprised *cap.* 1,1 *fin.* (starting at ὁ γοῶν παρ' αὐτοῖς κτλ.)-6, did not in reality change anything in the original account.

At an even later stage, Eusebius also learnt of the Galerius edict – the reason probably was that it was only published in Galerius' old provinces. If we compare the edict to the Sabinus circular, it seems to be much friendlier towards the Christians. Sabinus' letter merely says that the Christians may worship their god without punishment if they wish to do so, but according to Eusebius' correct rendition the Galerius edict actually orders the Christians to build churches, follow their traditions and pray for the emperor, see *lib.* VIII,17,1.

If we add to this the fact that the Galerius edict was not published in Maximinus' provinces, it becomes clear why Eusebius believed that Maximinus had had no wish to publish it. So as not to be accused by the other emperors of ignoring the Galerius edict, Maximinus was supposed only to have told his officials by word of mouth to ease the persecution. In reality, he wanted it to continue, so he was playing a double game. This interpretation of Maximinus' position must have seemed obviously correct also because he started persecuting the Christians soon after according to

¹² The accuracy of this observation is further confirmed by the unlikelihood of Eusebius calling Maximinus βασιλεύς after he has just characterized him as τύραννος, cf. R. Laqueur, *Eusebius als Historiker seiner Zeit*, 69.

¹³ It makes no difference in this context whether the order was given in writing or by word of mouth. In the preceding passage, however, the point that Maximinus only issues a verbal order serves to show his unreliable character.

Eusebius. In any case Eusebius incorporated this version in his church history at the same time as he expanded it after Maximinus' death with a comprehensive account of Maximinus as the godless tyrant – the theme of *lib. IX*. This description of Maximinus' machinations revealed his wickedness and it also made it possible for Eusebius to explain why the persecutions of the Christians did in fact cease under Maximinus – the only reason was that the officials had not seen through his plot and so believed that he wanted the persecutions to stop.

Appendix III

LITTERAE CONSTANTINI – A Reconstruction

Even though some uncertainties exist concerning individual linguistic details, *litterae Constantini* can be reconstructed on the basis of the Licinian rescripts as given by Eusebius (*Caes.*) and Lactantius (*Nik.*) as follows:

[*h.e.* X,5,2-3:] Ἦδη μὲν πάλαι σκοποῦντες τὴν ἐλευθερίαν τῆς θρησκείας οὐκ ἄρνητέαν εἶναι, ἀλλ' ἐνὸς ἐκάστου τῆ διανοία καὶ τῆ βουλήσει ἐξουσίαν δοτέον τοῦ τὰ θεῖα πράγματα τημελεῖν κατὰ τὴν αὐτοῦ προαίρεσιν ἕκαστον, κεκελεύκειμεν τοῖς ... Χριστιανοῖς τῆς αἰρέσεως καὶ τῆς θρησκείας τῆς ἑαυτῶν τὴν πίστιν φυλάττειν. ἀλλ' ἐπειδὴ πολλαὶ καὶ διάφοροι αἰρέσεις ἐν ἐκείνῃ τῆ ἀντιγραφῇ, ἐν ἧ τοῖς αὐτοῖς συνεχωρήθη ἡ τοιαύτη ἐξουσία, ἐδόκουν προστεθεῖσθαι σαφῶς, τυχὸν ἴσως τινὲς αὐτῶν μετ' ὀλίγον ἀπὸ τῆς τοιαύτης παραφυλάξεως ἀπεκρούοντο [*De mort.* XLVIII, 3:] Itaque hoc consilium salubri ac rectissima ratione ineundum esse credidimus, ut nulli omnino facultatem abnegandam [*cap.* 5, 5:] ἢ τοῦ ἀκολουθεῖν καὶ αἰρεῖσθαι τὴν τῶν Χριστιανῶν παραφύλαξιν [*cap.* XLVIII,3-4:] ut possit nobis summa diuinitas, cuius religioni liberis mentibus obsequimur, in omnibus solitum fauorem suum beniuolentiamque praestare. Quare scire ... conuenit placuisse nobis, ut amotis omnibus omnino condicionibus quae prius scriptis ... datis super christianorum nomine continebantur ..., nunc libere ac simpliciter unus quisque eorum, qui eandem obseruandae religionis christianorum gerunt uoluntatem, citra ullam inquietudinem ac molestiam sui id obseruare contendat.

Appendix IV

Maximinus' Letter to Sabinus (*h.e.* IX,9a,1-9)

In his *Eusebius als Historiker seiner Zeit*, R. Laqueur was the first one to point out that Maximinus' letter to Sabinus lacked unity. It contains breaks in the arguments and doublets that testify to a revision of an existing text.

Laqueur noticed that the request from the Nicomedians for permission to expel the Christians from their city received a double answer: "Was an diesen Darlegungen wiederum sofort auffällt, ist die doppelte Mitteilung von der Tatsache der Antwort τὰς ἀποκρίσεις ἀπένεμον (834,29) bzw. ἀνάγκη ἔσχον προσφιλῶς ἀποκρίνασθαι (836,6). Da es sich um eine *einfache* Bitte handelt, erwarten wir auch eine *einfache* Antwort, die von einer der beiden Wendungen abhängig war. Nun bezieht sich αὐτὸ τοῦτο in 836,7, worunter das Recht verstanden ist, welches sämtliche alten Kaiser bewahrt haben, nicht etwa, wie es nach dem jetzigen Zusammenhange nötig wäre, auf die in 836,6 ausgesprochene Bitte, keinen Christen in den Städten wohnen zu lassen, sondern gerade umgekehrt auf die in 834,27ff. ausgesprochene Tatsache, dass Christen in diesen Teilen wohnen dürfen. Also lautete der Text ursprünglich: ἀλλ' ὅτε ἔγνων πλείστους τῆς αὐτῆς θρησκείας ἄνδρας ἐν αὐτοῖς τοῖς μέρεσιν οἰκεῖν, οὕτως αὐτοῖς τὰς ἀποκρίσεις ἀπένεμον ὅτι δὴ αὐτὸ τοῦτο καὶ οἱ ἀρχαῖοι αὐτοκράτορες πάντες διεφύλαξεν ..." ¹ Thus the point is that Maximinus answered the Nicomedians' approach by stating that the old emperors had respected the Christians' right to live in their cities. When his response had been produced, Maximinus received "eine grosse Forderung ὑπὲρ τῆς θρησκείας τοῦ θεοῦ αὐτῶν" ² from the Christians. He reacted by granting them freedom of cult: "Unter dem Drucke dieser von ihm genehmigten Bitte entschliesst sich der Kaiser, seinen Brief an Sabinus durch Aufnahme der ... Toleranzstücke zu erweitern und zugleich einen Bericht über die neuen Verhandlungen mit den Christen einzufügen. ... Dass es ihm nämlich besonders darauf ankam, diese christenfreundlichere Stellung zu dokumentieren, erkennt man daraus, dass er sich nunmehr fast entschuldigt, den Nikomediern eine Antwort gegeben zu haben" ³.

Even though Laqueur was right to point out the difficulties in Maximinus' letter, his interpretation must be rejected. He does not take into account the fact that the second time around Maximinus granted the wish from Nicomedia to be permitted to expel the Christians. The reason given

¹ p. 170. Laqueur's numbers refer to pages and lines in Schwartz's edition of Eusebius' *h.e.* in *Eusebius Werke* II, 1-2.

² p. 171.

³ p. 172.

for the permission was that it pleased the gods, so the reference to the actions of previous emperors must have served exactly the same purpose, namely to justify the expulsion of the Christians from the cities – Maximinus probably thought of Diocletian and Galerius when he referred to the previous emperors. Nothing in the text makes it necessary to follow Laqueur's reading of αὐτὸ τοῦτο as referring to the Christians' right to freedom of cult. On the contrary, such a reading brings αὐτὸ τοῦτο καὶ οἱ ἀρχαῖοι αὐτοκράτορες πάντες διεφύλαξεν into conflict not only with its immediate continuation καὶ αὐτοῖς τοῖς θεοῖς κτλ. but also with *cap.* 9a,1 in which Maximinus approves of Diocletian's and Galerius' decision to lead the Christians back to the worship of the immortal gods. The context requires αὐτὸ τοῦτο to refer to something hostile to Christianity – and that can only mean the expulsion of the Christians from the cities. This should prove that all *cap.* 9a,6 belonged in the original manuscript.

Cap. 9a,5 *init.* must also have been part of the first version of Maximinus' letter. It says that he denied the Nicomedians' request for permission to expel the Christians from their city because Christians also lived in the city, but that is not directly opposed to *cap.* 9a,6 – the apparent contradiction came from the essentially inconsequential actions by Maximinus which occurred because he had changed his first decision under the influence of new arguments. However, *cap.* 9a,5 *fin.*: εἰ μὲν οὖν τινες κτλ. shows distinct signs of being an insertion. Even in purely stylistic terms, its general commanding nature contradicts the context. In terms of substance, it actually introduces a new and differently oriented reason for Maximinus' rejection of the Nicomedians' request. In *cap.* 9a,5 *init.* the reason was purely pragmatic, namely that Christians lived in the city, but in *cap.* 9a,5 *fin.* works with a point of principle of the unlimited freedom of cult for the Christians. Finally, there is such an obvious contradiction between this passage and *cap.* 9a,6, which involves a de facto cancellation of the principle of religious freedom, that the discrepancy can only be explained if *cap.* 9a,5 *fin.* is an insertion.

Cap. 9a,6 *fin.* οὖν ὥστε τὴν τοσαύτην αἴτησιν, ἣν ὑπὲρ τῆς θρησκείας τοῦ θεοῦ αὐτῶν ἀναφέρουσιν, βεβαιώσασιν, also presents problems in its present form. Schwartz wanted to delete οὖν as “falscher Zusatz”.⁴ Laqueur finds that it will in no way solve the problem: “denn mit der θρησκεία τοῦ θεοῦ wird nicht der heidnische Kult, welchen der jetzige Zusammenhang fordert, bezeichnet, sondern der christliche; und der Zusatz von αὐτῶν stellt es erst recht sicher, dass hier von einem anderen Kulte als dem heidnische

⁴ See *Eusebius Werke* II, 2, 836.

die Rede ist. Schliesslich beweist die Fortführung des Gedankens in Zeile 11 (“also” τοιγαροῦν [*cap. 9a,7 init.*] wiederhole ich meinem Befehl, den Christen keine Gewalt anzutun), dass im Vorausgehenden von dem Schmutze der christlichen Religion gehandelt sein muss. Daraus folgt, dass οὖν am Platze, aber davor eine Lücke anzusetzen ist. Über deren Inhalt lässt sich weiterhin folgendes feststellen: Es war die Rede von einer grossen (τοσαύτην), im Interesse des christlichen Kultes gestellten Forderung. Diese Forderung ist aber nicht in einem zeitlichen Zusammenhang mit den heidnischen Gesandtschaften, die vor einem Jahre kamen, erhoben worden; denn während von diesen im Präteritum die Rede ist ..., spricht Maximin von der jetzt bewilligten Forderung im Präsens. Dieses lässt unzweideutig erkennen, dass die Forderung als eine gegenwärtige vom Kaiser angesprochen wird”.⁵

We must grant Laqueur that τὸ θεῖον is unusual as a reference to the gods of paganism⁶ – apparently Maximinus always uses οἱ θεοὶ. This does not justify the assumption, however, that the reference is to the Christian god in this context. From the entire context, it is clear that θρησκεία τοῦ θείου must be understood *in bonam partem*. But if it was then supposed to refer to the worship of the Christians, it could not be reconciled with the understanding of the Christians as a danger to mankind and to all social life, as expressed by Maximinus in this letter. Given our knowledge of his renewed fight against the church and Christianity, it is also difficult to imagine that the Christians would have had the courage and openness to ask Maximinus for unlimited freedom to worship their God. Moreover, such a supplication would have no rational basis because the Christians had had freedom of cult officially since the issue of the Galerius Edict. Finally, we must ask what could have caused a report of a request to the Emperor from the Christians to have dropped out of the account. The only possible motive for such an exclusion would have been the wish to conceal a positive gesture from Maximinus towards the Christians in order to keep the image of him as the worst of all persecutors of the Christians. But nothing would have been gained from mentioning Maximinus’ granting a request for freedom of cult from the Christians, because the entire rescript proclaims that the Christians must be given the freedom to follow their faith without any molestation. Laqueur’s assumption of a lacuna must therefore be rejected as groundless in all respects. In consequence, θρησκεία τοῦ

⁵ *op.cit.*, 164-65.

⁶ Cf. *op.cit.*, 164 note 1.

θείου must refer to heathen worship: οὖν must be deleted as “falscher Zusatz”⁷ in Schwartz’s words.

However, R. Laqueur is absolutely right to point out that the passage διόπερ ἡ σὴ καθοσίωσις ... προσήκει ἀνακαλεῖν in *cap.* 9a,9 is a complete repetition of the contents of *cap.* 9a,7. His explanation for this is equally convincing: “Warum diese eigentümliche Dublette zwischen Zl. 18-20 und 26-28, eine Dublette, auf die Maximin selbst hinweist? Wir lernen aus beiden Formulierungen genau dasselbe. Der Grund kann also nur darin liegen, dass Maximin die zweite Formulierung hinzutat, weil er dass zwischen den beiden Parallelstücken liegende Element – d.i. die Verkündigung der Toleranz – einfügen wollte. Es ist ja auch klar, dass der Kaiser sich im Schlusssatz befand, wenn er 836, 17 ff. schreibt, dass er es für nötig erachtet habe, auch in diesem Schreiben den Adressaten zu erinnern – natürlich an das, war er vorher immer angeordnet hatte, d.i. die milde Bekehrung”.⁸

This means that originally *cap.* 9a,7 continued in *cap.* 9a,9 *fin.*: ἵνα δὲ αὕτη ἡμῶν ἢ κέλευσις κτλ. which constitutes the ending of the letter. A statement has been inserted into this; it is similar to the passage in *cap.* 9a,5 in that it gives the Christians the right to follow their own cult or to worship the gods. Thus Maximinus has felt it necessary again to emphasize that the Christians had unlimited freedom of cult. He has not made the concluding statement, though, so as not to leave the impression that the principle of religious freedom was to determine the relationship with the Christians from then on. It was essential for him to repeat *cap.* 9a, 7 in order to emphasize the point that his goal remained unchanged: to call the Christians back to the worship of the gods by peaceful means.

This should prove that Maximinus’ letter in its present form consists of the original text which was expanded with the following insertions: *cap.* 9a,5 *fin.* (εἰ μὲν οὖν τινες κτλ.) and 8-9. In point of content, Maximinus has inserted into an account of his relationship with the Christians some decrees that promise unlimited freedom of cult to the Christians.

⁷ We might even suppose that the phrase – quite uncharacteristic of Maximinus as we said – could be a scribal error for θρησκεία τῶν θεῶν.

⁸ p. 169.

Appendix V

Maximinus' Complete Law for the Christians (*h.e.* IX,10,7-11) and the Milan Edict

There appear to be so many likenesses between Maximinus' most complete law for the Christians and *litterae Licinii* issued in Nicomedia on 13 June 313 that several scholars have believed that Maximinus used them as his model when writing his edict. This is an erroneous assumption, however. Maximinus' edict concerns the Christians only, but *litterae Licinii* use a pagan henotheistic concept of the divine to demand religious freedom for all without exception – Christians as well as heathens. Moreover, unlike the Licinian rescript, Maximinus demanded no compensation for those that were obliged to return confiscated church property. If *litterae Licinii* had been Maximinus' model, it is not quite understandable that he would have left out these points. If he had included them, he could have made the break with his previous religious policy much less conspicuous, and he would even have been able to give to the decrees of the edict a reason that was much more in keeping with his heathen convictions.

Even though Maximinus' edict disagrees in significant respects with *litterae Licinii* (*Nik.*) and the corresponding rescript which has been preserved by Eusebius in Greek translation (*Caes.*), they show some striking resemblances. That appears from the following comparison of the relevant passages:

Caes.:

[...] κεκελεύκειμεν τοῖς τε Χριστιανοῖς τῆς αἰρέσεως καὶ τῆς θρησκείας τῆς ἑαυτῶν τὴν πίστιν φυλάττειν (*h.e.* X,5,2)

[...] ταῦτα ὑφαιρεθῆ καὶ νῦν ἐλευθέρως καὶ ἀπλῶς ἕκαστος αὐτῶν τῶν τὴν αὐτὴν προαίρεσιν ἐσχηκότων τοῦ φυλάττειν τὴν τῶν Χριστιανῶν θρησκείαν ἄνευ τινὸς ὀχλήσεως τοῦτο αὐτὸ παραφυλάττοι (*h.e.* X,5,6) ≠ *Nik.*: <ea remouean-
tur, et> nunc libere ac simpliciter

Maximinus' edict:

[...] ἐνομοθετήσαμεν ἵν' εἴ τις βούλοιο τῷ τοιούτῳ ἔθει ἢ τῇ αὐτῇ φυλακῇ τῆς θρησκείας ἐπεσθαι, τοῦτον ἀνεμποδίστως ἔχυσθαι τῆς προθέσεως τῆς ἑαυτοῦ καὶ ὑπὸ μηδενὸς ἐμποδίζεσθαι μηδὲ κωλύεσθαι καὶ εἶναι αὐτοῖς εὐχέρειαν δίχα τινὸς φόβου καὶ ὑποψίας τοῦθ' ὅπερ ἐκάστῳ ἀρέσκει, ποῖεν (*h.e.* IX,10,8).

ἵνα τοίνυν εἰς τὸ ἐξῆς πᾶσα ὑποψία ἢ ἀμφιβολία τοῦ φόβου περι-

unus quisque eorum, qui eandem obseruandæ religionis christianorum gerunt uoluntatem, citra ullam inquietudinem ac molestiam sui id ipsum obseruare contendant. (*De mort.* XLVIII,4)

Atque hoc insuper in persona christianorum statuendum esse censuimus, quod, si eadem loca, ad quæ antea conuenire consuerant, de quibus etiam datis ad officium tuum litteris certa antehac forma fuerat comprehensa priore tempore aliqui uel a fisco nostro uel ab alio quocumque uidentur esse mercati, eadem christianis ... restituant, qui etiam dono fuerunt consecuti, eadem similiter isdem christianis ... reddant (*De mort.* XLVIII,7-8; *h.e.* X,5.9)

The passages quoted from *Nik./Caes.* and Maximinus' edict respectively agree not just in matter but also in terminology to such an extent that the only possible explanation must be that Maximinus' edict had the corresponding passages in *Nik./Caes.* as its model and copied them meticulously. These passages are none other than the ones that constituted the central decrees in the Milan Edict. Maximinus' edict has reproduced no other material from *Nik.* and *Caes.* whatsoever except that which they have incorporated from the Milan edict, so it follows that the Milan Edict alone served as the model for Maximinus' edict.

αιρεθῆ, τοῦτο τὸ διάταγμα προτεθῆναι ἐνομοθετήσαμεν, ἵνα πᾶσιν δῆλον γένηται ἐξεῖναι τούτοις οἵτινες ταύτην τὴν αἴρεσιν καὶ τὴν θρησκείαν μετιέναι βούλονται, ἐκ ταύτης τῆς δωρεᾶς τῆς ἡμετέρας, καθὼς ἕκαστος βούλεται ἢ ἡδέα αὐτῶ ἐστίν, οὕτως προσιέναι τῇ θρησκείᾳ ταύτῃ ἣν ἐξ ἔθους θρησκεύειν εἴλετο (*h.e.* IX,10,10).

[...] καὶ τοῦτο νομοθετῆσαι κατηξιώσαμεν ἵνα εἴ τινες οἰκίαι καὶ χωρία <ᾶ> τοῦ δικαίου τοῦ τῶν Χριστιανῶν πρὸ τούτου ἐτύγγανον ὄντα, ἐκ τῆς κελεύσεως τῶν γονέων τῶν ἡμετέρων εἰς τὸ δίκαιον μετέπεσεν τοῦ φίσκου ἢ ὑπὸ τινος κατελήφθη πόλεως, εἴτε διαπρασις τούτων γεγένηται εἴτε χάρισμα δέδοταιί τινι, ταῦτα πάντα εἰς τὸ ἀρχαῖον δίκαιον τῶν Χριστιανῶν ἀνακληθῆναι ἐκελεύσαμεν (*h.e.* IX,10,11).